E
423
.H43

The University of Chicago
FOUNDED BY JOHN D. ROCKEFELLER

MISSISSIPPI AND THE COMPROMISE OF 1850

A DISSERTATION SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE IN CANDIDACY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF HISTORY

BY
CLEO HEARON

1913

Reprinted from the Publications of the Mississippi Historical Society, Volume XIV, 1913

LIBRARY OF CONGRESS

Class E 423

Book .H45

PRESENTED BY

The University of Chicago
FOUNDED BY JOHN D. ROCKEFELLER

MISSISSIPPI AND THE COMPROMISE OF 1850

A DISSERTATION SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE IN CANDIDACY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF HISTORY

BY
CLEO HEARON

1913

Reprinted from the PUBLICATIONS OF THE MISSISSIPPI HISTORICAL SOCIETY, Volume XIV, 1913

E423
.H43

Gift
The University
of [illegible]

Reprinted from the PUBLICATIONS OF THE MISSISSIPPI HISTORICAL SOCIETY, Vol. XIV.

MISSISSIPPI AND THE COMPROMISE OF 1850.

BY CLEO HEARON, PH.D.[1]

CHAPTER I.

THE PREPARATION OF MISSISSIPPI FOR THE STRUGGLE OVER SLAVERY.

The struggle over the extension of slavery in the territory acquired from Mexico and the Compromise of 1850 is significant in the history of the United States as a part of the struggle over slavery between the North and the South, which was finally to result in the secession from the Union of the slaveholding states and a great war to decide whether the existence of two separate nations within the United States should be recognized.

The development of Mississippi had well fitted it to play a leading part in the defense of slavery in this struggle. Its climate and soil especially adapted it to agriculture; and its development was begun along that line by the French, the first European occupants of its soil, with negro slavery as a basis.[2] During the period of British control, which followed that of the French, the settlements in what is now the southern part of the state continued to grow in prosperity through the cultivation of tobacco, indigo, flax, cotton and grains,[3] and the demand for cheap labor was supplied by the importation of negro slaves.[4] Though, after the Revolutionary War, the lands lying between the Mississippi and the Chattahoochie rivers and the thirty-first degree north latitude and a line drawn from the mouth of the Yazoo due east to the Chattahoochie were in dispute between Spain and the United States, the progress of their development was not affected. The dispute

[1] This contribution was prepared in the University of Chicago and submitted as a dissertation for the degree of Doctor of Philosophy in 1913.
A biographical sketch of the author will be found in the *Publications of the Mississippi Historical Society*, XII, 37.—EDITOR.

[2] Hamilton, *Colonial Mobile.* Pickett, *History of Alabama.*

[3] Wailes, *Report on the Agriculture and Geology of Mississippi*, 129.

[4] Pickett, *History of Alabama*, 323.

having been settled in favor of the United States, Congress, in 1798, organized those lands as the Mississippi territory and authorized the president to establish there a government similar in all respects to that provided in the Ordinance of 1787 except that slavery should not be prohibited.[5] Thus, in the very beginning of the organization of Mississippi under the government of the United States, the existence of slavery within its borders was formally recognized by Congress; and, as the territory was rounded out by the addition of other strips of land, this recognition was continued.

In the meantime, there was developing in the territory the industry that was surely making slavery a profitable institution and sweeping out of the Southern states all opposition to its continuance. The cultivation of cotton there, as elsewhere, was tremendously stimulated by the introduction of Whitney's cotton gin. The first gin in Mississippi was constructed in 1795, and two years later Sir William Dunbar declared that cotton had become the universal crop of the Natchez district.[6] A letter from Governor Claiborne, in 1801, contains a statement of the remarkable returns from labor in Mississippi when applied to the production of cotton. He writes:

> I have heard it supposed by men whose opinions are entitled to respect, that the aggregate amount of the Sales of Cotton, raised the present year, in this District will exceed 700,000 Dollars, which among a people, whose members (of all denominations) do not exceed nine thousand, is an immense Revenue;—The fact is, that Labour here, is more valuable than in any other part of the United States, and the industrial portion of the citizens are amassing great fortunes."[7]

Naturally this wonderful productivity of labor stimulated the importation of slaves and the number in the territory increased in the decade from 1800 to 1810 from 3,389 to 17,088.[8] Governors of the territory, foreseeing the time when the slaves would outnumber the white population, viewed with alarm the increasing number of

---

[5] *United States Statutes at Large*, I, 549.
There was a sharp debate in the House over an amendment to this bill, proposed by Thacher of Massachusetts, prohibiting slavery in the territory, which is interesting both as the beginning in Congress of the struggle over slavery in the territories and as advancing many of the arguments on which both sides were later to rely. *Annals of Congress*, 5th Cong., 1797–1799, II, 1310–11.

[6] Wailes, *Report on the Agriculture and Geology of Mississippi*, 167.
Claiborne, *Mississippi as a Province, Territory and State*, I, 143.

[7] Letter from Governor Claiborne to James Madison, Secretary of State, Natchez, December 20, 1801, *Mississippi Territorial Archives*, 1798–1803, I, 363.

[8] *Ninth Census of the United States*, 1870, I, 41-43. The number of inhabitants increased during the decade from 8,850 to 40,352.

slaves[9] and favored the passage by the legislature of laws restricting their importation.[10] But the economic advantages of slavery outweighed, with the territorial legislatures, any dread of future danger and no such laws were passed.[11]

Thus slavery was firmly fixed in Mississippi during its colonial and territorial existence; and, in 1817, when the Mississippi territory was divided and that part of it now known as Mississippi was organized as a state, there was no division in the constitutional convention on the continuation of slavery, the greatest restriction laid by the convention on the development of the institution being the granting to the general assembly of the state the right to prohibit the introduction of slaves into the state as merchandise.

But the legislatures of the state showed no more desire to exercise this power than had the territorial legislatures. And partly as the result of this importation of slaves for traffic, but more as the result of the bringing in of slaves by their owners in the great tide of immigration that set into this section after the War of 1812,[12] the number of slaves in Mississippi had increased, in 1820, to 32,814[13] and slavery was established in every county organized in the state.[14] In the four lower counties on the Mississippi river, the slaves outnumbered the white population and in Warren fell little short of it; and even in the less fertile "piney woods" counties of the east and in sparsely settled Monroe, on the Tombigbee, their number did not fall below one-fifth that of the white population.

But though in 1820, because of its rich returns, slavery was defi-

---

[9] Address to the Militia Officers by Governor Sargent, January 12, 1801, *Mississippi Territorial Archives*, 1798–1803, I, 324–5.

[10] Letter from Governor Claiborne to James Madison, January 23, 1802, *Ibid.*, I, 374. Message of Governor Williams to the Legislature, December 4, 1807, Dunbar Rowland, *Encyclopedia of Mississippi History*, II, 677.

[11] The only restrictions the legislature laid on the traffic in slaves were the prohibition of the introduction of criminals and the laying of a tax of $5 on each individual imported.

[12] The greatness of this tide of immigration is shown by the census reports. The total population of the Mississippi territory in 1810 was 40,352; by 1820 this population had increased to 127,901 in Alabama and 75,448 in Mississippi. *Ninth Census of the United States*, 1870, I, 41–43.

[13] The number of slaves in 1810 in the Mississippi territory was 17,088; in 1820, the number in Mississippi was 32,814, and in Alabama 41,878. *Ibid.*

[14] These counties, except Monroe, were in the southern part of the state and included all the lands over which the state had control before 1820. Riley, *School History of Mississippi*, map, p. 150.

nitely accepted as an economic institution in every county in Mississippi, it was not yet regarded as an institution to be praised and its justification was not found in the laws of nature or of God.[15] This attitude toward slavery was to be developed in the next twenty years.

During these years, the Indians, who before 1820 had occupied all except a small portion of the state, were removed[16] and their lands opened to settlers. Beginning with 1833, the sale of public lands was remarkable,[17] and the state was rapidly filled with settlers, the total population in 1840 having increased to 375,651. The wonderful returns from the culture of cotton was the great factor in attracting this stream of immigration into Mississippi, and the production of that staple increased from 43,000 bales in 1820[18] to 483,504 bales in 1840.[19] Since this cotton was produced, in the main, by slave labor, there was a corresponding increase, during these years, in the number of slaves in the state. In 1840, the slave population of Mississippi numbered 195,211[20] and Mississippi had become a "black state."

During the next decade, the total population, the number of slaves, and the production of cotton continued to increase in Mississippi. By 1850 the population reached 606,526 and the number of slaves 309,878;[21] but there was not a corresponding increase in the production of cotton, only 484,292 bales having been produced in that year.[22]

From these statistics it will be seen that, when the great struggle

---

[15] This is shown in the decisions of the supreme court of the state. "What are these vested rights," asked the supreme court in June 1818, "are they derived from nature or from municipal law? Slavery is condemned by reason and by the laws of nature. It exists and can only exist, through municipal regulations, and in matters of doubt, it is not an unquestioned rule, that courts must lean 'in favorem vitae et libertatis?'" Opinion of the Supreme Court of Mississippi in the case of Harry and Others vs. Decker and Hopkins, June term, 1818, Walker, *Reports of Cases Adjudged in the Supreme Court of Mississippi*, 42.

In June 1820, the supreme court again declared that "slavery exists not by force of the law of nature or of nations, but by virtue only of the positive provisions of the law, to these the master must look for all his rights." State vs. Jones Walker, 83.

[16] The Choctaws made a cession of a part of their lands to the United States government in 1820 and of the remainder in 1830. The Chickasaws ceded theirs in 1832. Riley, *School History of Mississippi*, map, p. 150.

[17] Watkins, *King Cotton*, 162.

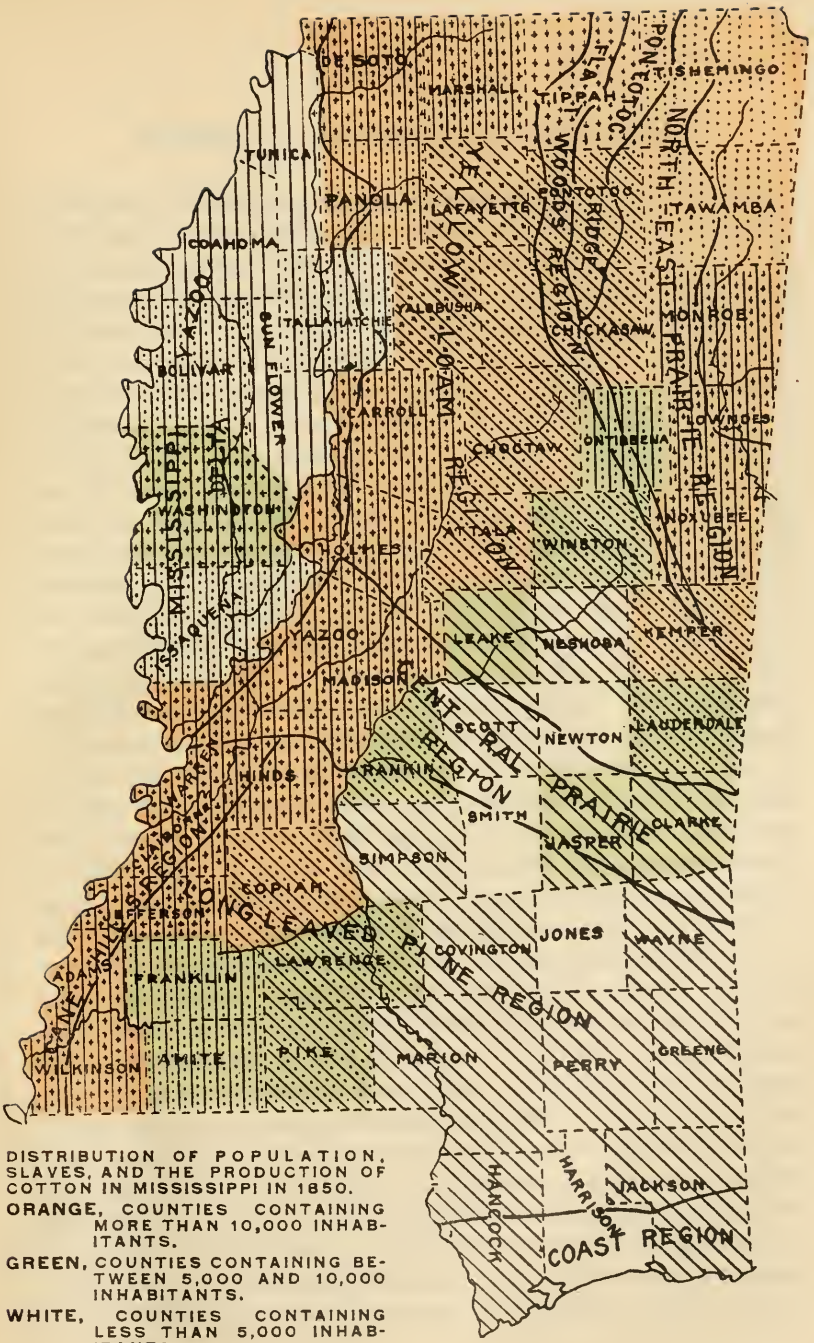
[18] *Ibid.*, Ch. 8.

[19] *Compendium of Sixth Census*, 1840, 228.

[20] *Ninth Census of the United States*, 1870, I, 41–43.

[21] *Ibid.*

[22] *Seventh Census of the United States*, 1850, p. 458. This was not a normal crop, however, 541,946 bales having been produced the preceding year and 501,146 bales the following. Watkins, *King Cotton*, Ch. 8.



DISTRIBUTION OF POPULATION, SLAVES, AND THE PRODUCTION OF COTTON IN MISSISSIPPI IN 1850.

ORANGE, COUNTIES CONTAINING MORE THAN 10,000 INHABITANTS.

GREEN, COUNTIES CONTAINING BETWEEN 5,000 AND 10,000 INHABITANTS.

WHITE, COUNTIES CONTAINING LESS THAN 5,000 INHABITANTS.

COUNTIES CONTAINING A NEGRO POPULATION OF MORE THAN 50%.

COUNTIES CONTAINING A NEGRO POPULATION OF BETWEEN 25% AND 50%.

COUNTIES CONTAINING A NEGRO POPULATION OF LESS THAN 25%.

COUNTIES PRODUCING MORE THAN 10,000 BALES OF COTTON.

COUNTIES PRODUCING BETWEEN 2,500 AND 10,000 BALES OF COTTON.

COUNTIES PRODUCING LESS THAN 2,500 BALES OF COTTON.

over slavery between the sections came, the development of Mississippi on the basis that had been established in the period of its territorial and colonial existence, the cultivation, with negro slaves, of cotton as the great staple crop, was well under way. But this development had not been equal in every part of the state and the distribution of population, slaves, and the production of cotton as shown in the census of 1850 is of great interest in the study of the attitude of the various counties of the state in the struggle over slavery between the North and the South. The most populous district of the state consisted of the Chickasaw counties in the north and extended south, in the east, along the Alabama line through Kemper county, and in the west, along the Big Black river on both sides to its mouth and then down the Mississippi to the southern boundary of the state. The least populous districts were the fertile Mississippi-Yazoo delta, the lack of drainage having impeded its development, and the southeastern part of the state, for the most part the long-leaf pine region. The black belt of the state was fairly well fixed in 1850. The great mass of it was in the west, extending along the Mississippi the whole length of the state, and including twenty-two of the fifty-nine counties. In the east, on the Tombigbee river, there was also a group of four counties, Monroe, Lowndes, Noxubee, and Oktibbeha, that belonged to the black belt. In all the other counties of the state, except sparsely settled Harrison, Jones, Smith, and Newton, in the southeast and the populous counties of Itawamba, Tishomingo, and Tippah, in the northeast, the slaves exceeded one-fourth of the total population. It might be supposed that the cotton belt would coincide with the black belt, but the agricultural development of the state was not sufficiently complete for this to be true. The most important variation was in the Mississippi-Yazoo delta. Although all the counties in that region were being developed with slave labor and before the next census were to be important contributors to the total amount of cotton produced in the state, in 1850, only Washington produced more than 10,000 bales, Tunica, Coahoma, and Sunflower falling below 2,500 bales. In the other counties, cotton was either the dominant or an important economic interest except in a group of seventeen counties in the southeastern part of the state, the majority of which were in the "piney woods" region.[23]

[23] For distribution of population, slaves, and the production of cotton in Mississippi in 1850, see map 1.

Though slavery and the rich returns from it in the production of cotton were unequally distributed in Mississippi, there is no evidence of the opposition of any section of the state to the institution. A sectionalism, it is true, arose very early in the history of the state between the older and better developed counties in the southwest, on the one hand, and the new ones north of the original counties and the less fertile ones in the long-leaf pine regions, on the other. This sectionalism was due, however, in part to the difference in the state of the economic development of the two sections and in part to the unwillingness of the older dominant counties to surrender the political control of the state; and shifting somewhat with the economic development of the counties, was destined to continue as long as the economic conditions on which it was based. In regard to the protection and the promotion of slavery, the sections were in accord, the only difference being that the more undeveloped and the less wealthy, as was natural, was willing to resort to more radical measures to further these ends than the richer and more conservative section. These statements are borne out by the proceedings of the second constitutional convention.

As new counties were organized in the Indian cessions, the political strength of the state passed, of course, to the north and east; and, in 1832, this shifting of political power resulted in a convention of the state to amend the constitution of 1817 so as to make it accord more with the views of the new dominant sections. The only division in this convention on the subject of slavery was on the question of the prohibition of the importation of slaves into the state for sale. Probably as a result of the stimulus of the Nat Turner insurrection in Virginia, a provision was adopted declaring:

> The introduction of slaves into this state as merchandise or for sale, shall be prohibited from and after the first day of May, eighteen hundred and thirty-three: *Provided*, that the actual settler or settlers shall not be prohibited from purchasing slaves in any state in the Union and bringing them into this state for their own individual use, until the year eighteen hundred and forty-five.[24]

While the divisions in the convention on these provisions were not entirely sectional, the opposition to the prohibition of the introduction

[24] The Constitution of the State of Mississippi as revised in convention on the twenty-sixth day of October, A.D., 1832. *Journal of the Convention of the State of Mississippi*, 1832, Appendix, p. 25.

of slaves as merchandise was almost entirely from the new and undeveloped counties north of the original ones and the "piney woods" counties in the east.[25] On the other hand, the opposition to the proviso came from the counties in the west.[26]

The removal by the convention of 1832 of all property qualifications for voting or holding office placed the power over the political affairs of the state securely in the hands of the small slaveholders and the non-slaveholders, and those classes thereafter, through the Democratic party, lorded it over the great planters, who, for the most part, were members of the Whig party, in respect to the bank, repudiation of bonds, and other national and local issues. Yet they made no effort to restrict the development of slavery in the state by the enactment of the legislation necessary to carry into effect the provisions of the constitution of 1832 concerning the importation of slaves.[27] In fact the Democratic party in Mississippi manifested a devotion to slavery hardly equaled by the Whig and a willingness to resort to more extreme measures for its protection and promotion.

Hence, when the movement came for the expansion of the United States to the west that was to result in the great struggle between the sections over slavery, the people of Mississippi, as a whole, were committed to the support of slavery. They were, also, convinced that their social existence, economic prosperity, and political power were bound up with that institution, and were ready to further expansion to the southwest as conducive to the promotion of its prosperity. A report made in the legislature, in 1837, by a committee of the House, recommending the annexation of Texas, gives evidence of this and, also, of the change taking place in the state in regard to the earlier

[25] The vote on the resolution of McNabb, of Pike, to strike out the provision relating to the prohibition of the introduction of slaves as merchandise was seventeen yeas and twenty-six nays. The yeas were two each from Copiah and Yazoo, and one each from Hancock, Monroe, Rankin, Lawrence, Pike, Greene, Covington, Lowndes, and the districts composed of Yazoo and Madison, Copiah and Jefferson, Lawrence, Simpson, and Covington, Amite and Franklin, and Monroe, Lowndes, and Rankin. *Journal of the Constitutional Convention of Mississippi*, 1832, 159.

[26] The vote on this proviso, introduced by Howard of Rankin, was 28 yeas and 15 nays. The nays were two each from Jefferson, Amite, and Wilkinson and one each from Adams, Claiborne, Franklin, Hinds, Marion, Pike, Washington, and the districts composed of Amite and Franklin and Pike and Marion. *Ibid.*, 174.

[27] The Supreme Court of the United States decided that a legislative enactment was necessary to carry those provisions of the constitution into effect. Claiborne, *Mississippi as a Province, Territory and State*, 476.

view of slavery as an evil. The committee urged the interests of slavery as a reason why the South should demand annexation and declared that "an equipoise of influence in the halls of Congress" might be thus secured. It then proceeded to set forth the view of slavery that the state was coming to adopt and that was to form the basis of its fierce struggle in defense of this institution. The committee declared:

> This system is cherished by our constitutents as the very palladium of their prosperity and happiness, and whatever ignorant fanatics may elsewhere conjecture, the committee are fully assured, upon the most diligent observation and reflection on the subject, that the South does not possess within her limits a blessing, with which the affections of her people are so closely entwined and so completely enfibered, and whose value is more highly appreciated. . . . . To this system we owe more than we can well estimate of domestic comfort and social happiness.[28]

The people of the state were enthusiastically in favor of the policy recommended in this report and Robert J. Walker, Senator from Mississippi, in becoming a leader in the movement for the annexation of Texas, fittingly reflected the will of his constitutents. By his famous letter advocating the "reannexation of Texas and the reoccupation of Oregon," he did much to make those measures the issue in the presidential campaign of 1844; and he contributed further to this end by assisting in the shrewd political manoeuvering that set aside Van Buren in the Democratic National Convention of 1844 and nominated Polk for president on that issue.[29] His constitutents approved his course by casting the electoral vote of the state for Polk.

The annexation of Texas succeeded the election of Polk and the people of Mississippi, having contributed their share in bringing about both events, staunchly supported the administration of Polk in the war with Mexico that followed. They contributed more than their quota of troops, approved the conduct of the administration in carrying on the war,[30] favored the acquisition of territory from Mexico as indemnity, and, without doubt, would have approved the policy of holding all Mexico urged upon the president by, at least, two of their fellow-citizens, Robert J. Walker, who had become Secretary of the Treasury and a most powerful factor in the Cabinet,[31] and John

[28] *House Journal*, 1837, 158.
[29] Claiborne, *Mississippi as a Province, Territory and State*, I, 417–421.
[30] Resolutions of the Legislature of Mississippi on the Mexican War, April 20, 1848. *Senate Miscellaneous Documents*, 30th Congress, 1st Session, No. 126.
[31] Polk, *Diary*, III, 229, November 23, 1847.

A. Quitman.[32] But the carrying out of this policy was prevented by the beginning of a greater struggle than the war with Mexico.

When it became evident that the war would result in the expansion of the United States to the southwest the question of the extension of slavery into the region to be acquired was raised; and, as Calhoun and other leaders both North and South had foreseen, a fierce struggle between the two sections on the subject was precipitated. Mississippi was prepared by the course of its development to align itself with the other states of the South in defense of the extension of slavery; but it did not assume a leading part in the beginning of the struggle. For the leaders from Mississippi who were to play an important part in Congress in this crisis had not appeared in the twenty-ninth Congress; and, outside of Congress, Mississippi awaited the initiative of the older slaveholding states to which the South was accustomed to look for leadership. But to explain fully the part of Mississippi in the Compromise of 1850, a brief account of the beginning of the struggle over slavery in the territory acquired from Mexico is necessary.

[32] Claiborne, *Life and Correspondence of John A. Quitman*, II, 7–9.

CHAPTER II.

THE BEGINNINGS OF THE CONTROVERSY OVER SLAVERY AND OF THE SOUTHERN MOVEMENT.

It had been understood by all that a war with Mexico would result in the expansion of the United States to the southwest and it had been recognized, with equal clearness, by many, that any acquisition of territory would precipitate a struggle between the two sections over the question of the extension of slavery. But the war was begun in spite of the opposition of those who feared its consequences and the struggle over slavery was not long delayed.

August 8, 1846, there was introduced into the House a bill appropriating two million dollars for the purpose of making peace with Mexico, which sum, it was very generally known, was to be used to further negotiations that had in view the cession of a large amount of territory to the United States. Accordingly, David Wilmot, of Pennsylvania, offered an amendment to the bill providing that, as an express and fundamental condition to the acquisition of any territory from Mexico by the United States, slavery should be forever excluded from any part of it.[1] An amendment to confine the operation of the proviso to the territory north of the line 36° 30′ having been defeated, the proviso was adopted by a vote of 83 to 64 and the bill as amended passed the House.[2] Although the proviso failed to reach a vote in the Senate because of the adjournment of Congress,[3] its passage by the

[1] *Cong. Globe*, 29 Cong., 1 Sess., 1217.
[2] *Ibid.*, 1218.
[3] *Ibid.*, 1220–1221; Polk, *Diary*, II, 75–76.
Polk characterized the proviso as "mischievous and foolish," and states that it "was voted on to the Bill by the opponents of the measure, and when voted on, the original friends of the Bill voted against it, but it was passed by the Whigs and Northern Democrats, who had been opposed to making the appropriation. In this form it had gone to the Senate. Had there been time, there is but little doubt the Senate would have struck out the slavery proviso and that the House would have concurred. Senator Davis however resorted to the disreputable expedient of speaking against time and thus prevented the Senate from acting upon it, until the hour of adjournment arrived."

House raised again the question of the extension of slavery, the dangerous possibilities of which had startled Jefferson in the days of the controversy over Missouri, and began the great sectional controversy over slavery that was to end in the realization of his worst fears.

In the next session of Congress, the struggle between the sections over the extension of slavery was fairly joined. To a bill in the House appropriating three million dollars to be used to negotiate a treaty with Mexico, there was added, February 15, 1847, by a vote of 115 to 106, an amendment, more sweeping than the original Wilmot proviso, prohibiting slavery in any territory that might be annexed to the United States in any way whatever.[4] But an effort to attach the Wilmot proviso to a similar appropriation bill in the Senate was defeated by the votes of all the senators from the Southern states, except John M. Clayton, of Delaware, and of five Northern Democrats.[5] Although a motion of David Wilmot, in the House, in the committee of the whole, to attach the Wilmot proviso to this appropriation bill from the Senate, was carried by a vote of 90 to 80, the amendment was defeated in the House by the vote of the representatives of all the slaveholding states, except Delaware, and of twenty-three Northern Democrats;[6] and the Senate three million dollar bill was passed March 3, 1847, by a vote of 115 to 81.[7] With the passage of this bill, the struggle over the extension of slavery into Mexican territory was suspended until that territory should be actually acquired from Mexico.

The struggle over the bills for this appropriation and the proposed amendments was ominously significant. In its course, all party lines among the members of Congress from the South were broken down and the effort to exclude slavery by the Wilmot proviso from the territory to be acquired from Mexico was resisted by the united strength of all the slaveholding states, except Delaware. Moreover, though the votes, in this struggle, of members of Congress from the

---

[4] *Cong. Globe*, 29 Cong., 2 Sess., 424.
A motion made by Douglas to confine the operation of the amendment to the territory above the line 36° 30′ north latitude failed by a vote of 82 to 109.

[5] *Ibid.*, 555, March 1, 1847.
The vote was 21 to 31. The five Northern Democrats who voted against the proviso were Breese, of Illinois, Bright and Hannigan, of Indiana, Cass, of Michigan, and Dickinson, of New York.

[6] *Ibid.*, 573. The vote was 97 to 102.

[7] *Ibid.*, 573.

free states were determined partly by party considerations and factional strife within the Democratic party, yet they showed an alarming tendency in the North to unite in opposition to the extension of slavery. Furthermore, the debates displayed a fully developed consciousness of sectional differences and revealed the forces at work that were to array section against section.

The belief in the free states that slavery is a moral, religious, and social evil had been strengthened by the abolition agitation and other humanitarian and social movements of the time; and the opposition to the expansion of slavery was due, in part, to the unalterable determination of many that its blighting influence should not be extended through the instrumentality of the general government of the United States.[8] It was, also, partly due to a conviction that there was an inherent hostility between an economic system based on free labor and one based on slavery and a determination to preserve the territory to be acquired by the United States for the expansion of free labor and the development of the industrial institutions of the free states.[9] Using these motives of opposition to the extension of slavery as a means, many of the leaders of the North worked to wrest political power from the slaveholding states by uniting the majority against the minority section over the policy of the exclusion of slavery from the territories.[10]

In the controversy, the Southern delegates based their defense of slavery on the arguments that were to be maintained by the South throughout the struggle over slavery, namely, that the institution is sustained by the Bible and the constitution and is conducive to the welfare of society.[11] But they, also, revealed that the people of the South were firmly convinced that their whole social order was irrevocably bound up with slavery and that anything that tended to undermine the institution in a like measure tended to bring their section face

[8] Speech of James Dixon, of Connecticut, February 9, 1847, *Cong. Globe*, 29 Cong., 2 Sess., appx., 332; Speech of B. R. Wood, of New York, February 10, 1847. *Ibid.* 342–345; Speech of J. R. Giddings, of Ohio, February 13, 1847, *Ibid.* 403–406.

[9] Speech of David Wilmot, of Pennsylvania, February 8, 1847, *Ibid.*, 314–318.

[10] Speech of Rathburn, of New York, February 9, 1847, *Cong. Globe*, 29 Cong., 2 Sess., 364–356; Speech of Upham, of Vermont, March 1, 1847, *Ibid.*, 546–548.

[11] Speech of Dobbin, of North Carolina, February 11, 1847, *Ibid.*, 383–386; Speech of Jones, of Georgia, February 13, 1847, *Ibid.*, appx., 360–366.

to face with problems they dreaded more than any problem slavery could possibly present; and that, since the welfare and preservation of the institution depended on the economic prosperity of the South, they were determined to provide for the future prosperity of their section by securing room for the expansion of slavery.[12] In addition, they disclosed that the South was moved by the desire to protect its peculiar institution from the growing influence of the abolitionists by acquiring additional territory for the extension of slavery from which it might derive, in the future, representation in the Senate to offset the representation that the opposition would acquire through the admission of new states from the territory already in the possession of the United States.[13]

But the momentous question raised in these debates was that of the power of Congress over slavery in the territories. The division of opinion, even among the Southern leaders, shows that definite views in regard to the vexed question had not been formed, at that time, by either section; but theories and policies were advocated, in these discussions, that were to be of importance in the formation of the attitude of the two sections towards this question, which was finally to array them against each other.

The doctrine that was accepted by the South as the basis of its theories on the subject was set forth in the House by Robert Barnwell Rhett, of South Carolina, in a close constitutional argument to prove that Congress had no power over slavery in the territories. Sovereignty in the United States, according to Rhett, rested in the people of the states respectively and sovereignty over the territories was vested in the states jointly as tenants in common; therefore neither the federal government nor the states of the North could turn the Southern states out of their sovereignty over the territories and prevent their citizens from entering those territories with whatever was recognized as property by any state.[14]

---

[12] Speech of Stephen Adams, of Mississippi, January 2, 1847, *Cong. Globe*, 29 Cong., 2 Sess., appx., 142; Speech of T. H. Bayly, of Virginia, February 11, 1847, *Ibid.*, 345–349.

[13] Speech of Calhoun, February 19, 1847, *Cong. Globe*, 29 Cong., 2 Sess., 454; speech of Kaufman, of Texas, February 10, 1847, *Ibid.*, appx. 149–155.

[14] Speech of Robert Barnwell Rhett, of South Carolina, on the Oregon territory bill, January 15, 1847, *Cong. Globe*, 29 Cong., 2 Sess., appx., 244–247. Though delivered on the Oregon bill, this speech was inspired by the Wilmot proviso.

With this doctrine of sovereignty as a basis, Calhoun formulated a series of resolutions which he presented to the Senate, February 19, 1847. Although they did not come to a vote in that body, these resolutions formed a convenient statement of principles on which to rally the South and became of great importance as the first platform of that section in its struggle for the extension of slavery in the territories and as the basis of its whole future position in that contest.

The resolutions declared that the territories of the United States belonged to the several states composing the Union, and were held by them as their joint and common property; that Congress, as the joint agent and representative of the states, had no right to make any law, or do any act whatever, that would directly, or by its effect, make any discrimination between the states of the Union by which any of them should be deprived of its full and equal right in any territory of the United States; and that the enactment of any law which should directly, or by its effect, deprive the citizens of any of the states from immigrating with their property to any of the territories of the Unites States, would make such discrimination, and would, therefore, be a violation of the constitution and the rights of the states from which such citizens emigrated, and in derogation of that prefect equality which belonged to them as members of the Union, and would tend directly to subvert the Union itself. Finally, the resolutions asserted that it was a fundamental principle of the political creed of the people of the United States that a people, in forming a constitution, have the unconditional right to form and adopt the government which they think best calculated to secure their liberty, prosperity, and happiness; that, in conformity thereto, no other condition is imposed by the federal constitution on a state, in order to be admitted into the Union, except that its constitution shall be republican; and that the imposition of any other condition by Congress would not only be in violation of the constitution, but in direct conflict with the principle on which the political system of the United States rests.[15]

But members of Congress from the South, as well as from the free states, showed, in these debates, a willingness to accept a solution of the question that yielded the principles asserted in these resolutions,

[15] *Cong. Globe*, 29 Cong., 2 Sess., 455.

by advocating an extension of the line of the Missouri Compromise to the Pacific as the most satisfactory adjustment of the controversy.[16]

Another solution of the question was suggested, which, developed as the doctrine of "squatter sovereignty," was to become of great importance in the struggle over the extension of slavery in the territories. Leake, a representative from Virginia, declared in the House, February 17, 1847, that Southern men disclaimed the authority or power of the government to interfere to any extent whatever with the rights of slave property in any territory that might be acquired. "We maintain," he said, "that is a question to be left to the people of this territory to decide and with which the government cannot interfere."[17]

The members of Congress from the free states who opposed the Wilmot proviso were not influenced, to any extent, by the doctrine of the lack of power in Congress to enact such a measure. Although they sincerely deplored the arraying of section against section and many of them, especially from the West, evinced an indifference to slavery, the main arguments they used to defeat the proviso were that it was unnecessary, for slavery did not exist in the territory by virtue of the laws of Mexico and the existing laws would continue until changed by legislative enactment of the United States; that the attaching of such a provision to the appropriation bill would embarass the administration in the conduct of the war and result in the failure to acquire any territory; and that the proper time for the raising of the question of the extension of slavery would be when the territory was acquired from Mexico and a government was to be organized for it.[18]

That question would be raised again, the people of the North left no doubt. Public sentiment in that section became so opposed to the further extension of slavery that Democrats joined with Whigs in pronouncing in favor of the Wilmot proviso; and, one by one, legislatures

---

[16] *Cong. Globe*, 29 Cong., 2 Sess., 362.

Polk and his cabinet favored this compromise, Polk's *Diary*, II, 335; and even Calhoun was willing to acquiesce in it to preserve the peace of the Union. *Ibid.*, 454.

[17] *Cong. Globe*, 29 Cong., 2 Sess., 444. In the beginning of the next session of Congress, this doctrine was reasserted by Dickinson of New York in a set of resolutions introduced into the Senate, December 14, 1848, *Cong. Globe*. 30 Cong., 1 Sess., 21; and on December 24, 1847, Cass in a letter to A. O. P. Nicholson, of Nashville, lent the strength of his support to it. *Niles Register*, LXXIII, 293.

[18] Speech of Cass, March 1, 1847, *Cong. Globe*, 29 Cong., 2 Sess., 548–551.

of the free states passed resolutions demanding the exclusion of slavery as a condition precedent to any acquisition of territory by the United States.[19] Consequently the friends of the Wilmot proviso confidently looked forward to its passage in the next session of Congress.[20]

The South was not slow in understanding the danger to its institutions in this growing unanimity of sentiment in the majority section in favor of the Wilmot proviso; and fully comprehended that, although, by united action, it had succeeded in forcing the removal of the proviso from "the three million dollar bill," it had only postponed the question of the extension of slavery and that a fierce struggle lay before it on that issue when territory should have been actually acquired from Mexico. For success in that struggle, the Southern states understood that, since they were in the minority, it was necessary for them to unite on a definite program. Accordingly, March 8, 1847, the general assembly of Virginia set forth such a program and called upon the other slaveholding states to support it.

In a series of resolutions, the Virginia assembly first denied that the government of the United States had any control, directly or indirectly, over the institution of slavery; and, in accordance with the resolutions of Calhoun, asserted that the territory of the United States was the common property of the several states, in which each and all had equal rights, and that the enactment by the federal government of any law that should directly, or by its effects, prevent the citizens of any state from immigrating, with their property of whatever description, into such territory would make a discrimination unwarranted by the constitution and in violation of its compromises and of the rights of the states from which such citizens emigrated, and in derogation of that prefect equality that belonged to the several states as members of the Union, and would tend directly to subvert the Union itself.

The assembly then declared:

> That, if in disregard alike of the spirit and principles of the act of Congress on the admission of the State of Missouri into the Union, generally known as the Missouri Compromise, and of every consideration of justice, of constitutional right, and of

[19] Von Holst, *Constitutional History of the United States*, III, 307. "The Legislatures of Vermont, New York, Pennsylvania, Rhode Island, Ohio, New Hampshire, New Jersey, Michigan, Massachusetts, and Connecticut demanded the exclusion of slavery as a condition precedent to all territorial acquisition. Delaware, too, instructed its senators to vote in this sense."

[20] Speech of Giddings, of Ohio, *Cong. Globe*, 29 Cong., 2 Sess., appx., 403–404.

fraternal feeling, the fearful issue shall be forced upon the country, which must result from the adoption and attempted enforcement of the Wilmot Proviso, as an act of the General Government, the people of Virginia can have no difficulty in choosing between the only alternatives that will remain, of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity.

Finally, the assembly asserted that it was the duty of every man in the confederacy to whom the Union was dear to oppose the passage of any law by which the territory to be acquired might be subject to the restriction contained in the Wilmot proviso, and resolved unanimously that the passage of the *proviso* would make it the duty of every slave-holding state, and all the citizens thereof, as they valued "their dearest privileges, their sovereignty, their independence, their rights of property, to take firm, united and concerted action in this emergency."[21]

These resolutions of Virginia met with speedy and wide spread approval throughout the South.[22] The legislature of Mississippi was not in session in 1847 to give a formal expression of the position of that state on the question at issue between the sections; but Governor A. G. Brown, no doubt, reflected the views of his constitutents in the letter to Governor Smith, of Virginia, acknowledging the receipt of the resolutions of the Virginia legislature. He expressed his approval of those resolutions and declared that they would meet a hearty response in Mississippi from both political parties.[23] He asserted that the movements of New York and Pennsylvania, both in and out of congress, and the evident pandering of presidential aspirants to abolition, had dissipated the first feeling of confident expectation that abolition, like other heresies, would expire of its own excesses; and that there was in the South a calm, dispassionate determination,

"first, to exhaust all the resources of reason and argument in exhorting our northern brethren *to let us alone* on this subject and if these fail. . . . . then deplorable as may be the consequences, we feel prepared, having exhausted every fraternal remedy, to become *enemies*, and defend our rights with those means which God and nature have placed in our hands. If other men *will* force this sad catastrophe upon us, it is our duty to watch its approach and be prepared to meet it. The South must be united."[24]

---

[21] *Niles Register*, LXXV, 73.

[22] Resolutions of the Democratic State Convention of Alabama, May, 1847, *Niles Register*, LXXII, 179; Resolutions of the Democratic State Convention of Georgia, *National Era*, July 29, 1847.

[23] The *Mississippian*, the Democratic organ in the state capital, approved the Virginian resolutions and declared that Governor Brown had responded to them truly and nobly, for every Mississippian. *National Era*, May 27, 1847.

[24] Letter from Governor Brown, of Mississippi, to Governor Smith, of Virginia, April 15, 1847. *Niles Register*, LXXII, 178.

Southerners, generally, agreed with Governor Brown, that union was necessary for the preservation of their interests, but there was a difference of opinion as to how this unanimity was to make itself effective. Should Southern men remain in two great parties and seek to carry out their purpose through dominating those parties, or should they withdraw from their old party connections and form a new party on the issue of the extension of slavery. The approaching presidential election made a decision necessary.

Calhoun lent the support of his great influence to the latter policy and, on March 9, at a meeting of the citizens of Charleston to welcome him on his return from Congress, he set forth the necessity for the formation of a Southern party for the preservation of the peace and safety of the Union and of the rights of the South. He urged the people of his section to profit by the example of the abolition party, which, as small as it was, had acquired great influence by the course it had pursued; and, as the abolitionists made the destruction of slavery their paramount issue, he asserted that Southerners should make its safety their chief concern and regard every man as of their party who stood up in its defense and every one against them who did not, until aggression should cease. Only in thus taking an early and decided stand, while political ties were still strong, did he think that a rally of the sound and patriotic of the Union could be successfully made. As for the national conventions, he condemned them as instruments for coercing the abolitionists and the slaveholders into supporting the same candidates for president and urged Southerners to take no part in them.[25]

The movement for the formation of a Southern party, thus formally launched by Calhoun, met with some encouragement, at first. It was strongly supported by the *Charleston Mercury*[26] and received approval even outside of South Carolina.[27] The policy of not taking part in the national party conventions met with favor in both parties,[28] a Southern convention was advocated for the sake of united and effective action in support of Southern interests in both the next session

[25] Speech in Charleston, March 9, 1847, Calhoun, *Works*, IV, 393.
[26] *National Era*, April 1, 1847.
[27] *Ibid.*, April 15, 1847; *Ibid.*, May 27, 1847. Quotations from the *Southern Advocate*, Huntsville, Alabama, and from another Alabama paper; *Ibid.*, July 15, 1847. Quotation from the *Macon* (Georgia) *Messenger*.
[28] *National Era*, August 12, 1847.

of Congress and the presidential election,[29] and a movement was begun to establish a newspaper in Washington as the organ of the slavery interests.[30]

But in spite of Calhoun's confidence that the slavery question would break up the old party organizations[31] and his efforts to form a Southern party[32] the majority of the South, partly from political motives and the strength of party ties and partly from a sincere conviction that such a course was not the best for the protection of Southern interests, were not willing to break with the old parties.[33] Likewise, in part from political motives, but more from a belief that by united action the Southern delegates could force the national conventions to abandon the Wilmot proviso and to nominate, as candidates for the presidency, men opposed to that measure, Southerners generally came finally to favor the Southern states participating in the national conventions of the two great parties.

A statement from Jefferson Davis as to the course Southern Democrats should pursue in this crisis set forth the reasons that must have influenced many in his party in coming to this decision; and, also, outlined the policy that, in his opinion, the Southern delegates should pursue in the National Democratic convention. He declared in a letter dated September 19, 1847, that the position that had been assumed in a majority of the non-slaveholding states had led him to fear that it might become necessary for Southern men to unite and, consequently, to dissolve the ties that had connected them with the Northern Democracy. Yet he was not one of those who decried a national convention, but he believed that the existing circumstances with more than usual force indicated the propriety of such a meeting. On the question of Southern institutions and Southern rights, it was true, he admitted, that extensive defections had occurred among

---

[29] *National Era*, August 26, 1847; *Niles Register*, LXXIII, 127.

[30] *Ibid.*, August 26, 1847.

[31] Letter from Calhoun to T. G. Clemson, July 8, 1847, *Calhoun Corresp.*, 735; *Ibid.*, July 24, 1847, 736.

[32] Polk, *Diary*, II, 457–458.

[33] The *Washington Union* opposed the policy of Calhoun. It foresaw that if this policy were carried into effect, the Democratic party would be broken up and the system of slavery exposed to great peril. It believed that the only safety for Southern interests lay in maintaining the Democratic party intact and that that could be done only through the old policy of compromise. *National Era*, April 15, 1847.

Northern Democrats; but enough of good feeling was still exhibited to sustain the hope that, as a party, they would show themselves worthy of their ancient appellation, the natural allies of the South, and would meet Southerners upon just constitutional ground. At least, he considered it due to former association that Southern Democrats should give them the fairest opportunity to do so, and furnish no cause for their failure by seeming distrust or aversion.

His suggestion was that the Southern delegates should meet those from the North

> not as a paramount object to nominate candidates for the Presidency and Vice-Presidency, but, before entering upon such selection, to demand of their political brethren of the North a disavowal of the principles of the Wilmot Proviso; an admission of the equal rights of the South with the North to the territory held as common property of the United States; and a declaration in favor of extending the Missouri compromise to all states to be hereafter admitted into our Confederacy.

If these principles were recognized, Davis believed that the worst of all political divisions, one made merely by geographical lines, would be avoided; and that the convention, representing every section of the Union, and elevated above local jealousy and factional strife, might proceed to select candidates whose principles, patriotism, judgment, and decision would indicate men fit for the time and the occasion. But he declared that, if the spirit of hostility to the South, the thirst for political dominion over it that for two years had displayed such increased power and systematic purpose should prevail, it would only remain for the Southern delegates to withdraw from the convention, and inform their fellow citizens of the failure of their mission; and that the South would then have reached a point at which all party measures would, under the necessity for self preservation, sink into insignificance and at which party divisions should be buried in union for defense.[34]

Other Southern Democrats, before the meeting of the Democratic National Convention, were as outspoken as Jefferson Davis as to the demands that the South should make on the Democratic party as the condition of its support. Governor Brown, of Mississippi, declared that he was opposed to going into convention with the "Northern brethren" without a prior distinct understanding that the candidate

[34] Letter from Jefferson Davis to J. C. Searles, September 19, 1847, quoted in the *National Era*, November 4, 1847, from the *Richmond Whig*, with comments of the *Whig* indicating its concurrence in the general line of policy marked out by Davis.

selected should be not only sound on the Wilmot proviso but beyond the taint of suspicion; and that, in this, he thought he but echoed the common sentiment of Mississippi.[35]

The *Mississippian* asserted:

> One thing is now absolutely certain—the Wilmot question is not to be brought into the next Democratic National Convention. For the sake of perfect fraternity we would prefer a Northern nominee; but then we must and will know beforehand that he is untainted.[36]

The members of the Democratic state convention of Alabama, in May, 1847, solemnly pledged themselves to one another to withhold their votes for the office of president of the United States from any citizen who should not previous to the election, distinctly, unequivocally, and publicly avow his opposition to all interference by the general government to establish a discrimination against the slave-holding states;[37] and the Democratic state convention of Georgia resolved that the Democratic party of Georgia would give its support to no man for the presidency who did not "unconditionally, clearly, and unequivocally declare his opposition to the principles and provisions of the Wilmot proviso."[38] Other conventions and public meetings[39] in the various parts of the South, also expressed the same determination and the Democratic press of the whole section supported it.

But not all Democrats of the South were content with the position taken in the Virginia resolutions and with demanding the nomination of a candidate for president who was simply opposed to the Wilmot proviso. Under the spell of the fiery eloquence of William L. Yancey, the Democratic state convention of Alabama that met in February, 1848, assumed a more advanced position. In a series of resolutions, destined to become famous as "the Alabama Platform," the convention demanded that the treaty with Mexico should contain a clause securing an entry into the territory ceded to the United States by Mexico to all the citizens of the United States together with their property

---

[35] *Niles Register*, LXXII, 178.

[36] Quotation from the *Mississippian*, *National Era*, May 27, 1847.

[37] Resolutions adopted by the Democratic state convention of Alabama, May, 1847, *Niles Register*, LXXII, 179.

[38] Resolutions of the Democratic state convention of Georgia, *National Era*, July 29, 1847.

[39] *National Era*, May 20, 1847; May 27, 1847; July 5, 1847; *Niles Register*, LXXIII, 127.

of every description and that the same should remain protected by the United States while the territory was under its authority; and denied that the people of a territory could "in other event than the forming of a State Constitution preparatory to admittance as a State into the Union" lawfully or constitutionally prevent any citizen of any state from removing to or settling in such territory with his property, were it slave property or any other kind. The convention, then, pledged itself to the country, and the members pledged themselves to one another, under no political necessity whatever to support for the offices of president and vice-president of the United States any person who was not openly and unequivocally opposed to either of the forms of excluding slavery from the territories mentioned in the resolutions, as being alike in violation of the constitution and of the just and equal rights of the citizens of the slaveholding states. Finally, the convention instructed the delegates from Alabama to the Baltimore convention to vote for no one for president or vice-president who would not unequivocally avow himself to be opposed to either of the forms of restricting slavery described in the resolutions.[40] Although the Alabama platform was endorsed by the Democratic state conventions of Florida and Virginia and praised by Democratic papers throughout the South,[41] the majority of Southern Democrats, in 1848, were not ready to advance to the position taken by it. But they remained firmly fixed on the principles of the Virginia resolutions and in the determination to demand of the Democratic national convention the nomination of a candidate for the presidency who was opposed to the Wilmot proviso.

The Whig party in the South showed an opposition to the proviso equal to that of the Democratic.[42] Governor Brown, of Mississippi, asserted there was no division of public sentiment on the subject in Mississippi.[43] Both the *Richmond Whig* and the *Mobile Advertiser* declared that the Southern Whigs would abandon the party unless it abandoned the proviso.[44] But the *Richmond Whig* held up to

[40] Du Bose, *The Life and Times of William Lowndes Yancey*, 212–214.
[41] *Ibid.*, 214.
[42] Resolutions of the Whig state convention of Georgia and of the Whig convention of the second congressional district of Alabama, *National Era*, August 12, 1847.
[43] *Niles Register*, LXXII, 178.
[44] Quotations from the *Richmond Whig* and the *Mobile Daily Advertiser*, *National Era*, December 9, 1847.

ridicule the pledge to vote for no candidate for president who was not opposed to the Wilmot proviso and declared that the inevitable result of such a course would be the election of the Wilmot proviso candidate. The only mode, it held, to avert the peril that threatened the rights of the South and the safety of the Union was to adopt the course recommended by Southern Whigs in Congress and avow the purpose of not taking any territory from Mexico.[45] But, although this course was supported by many Whigs in both the North and the South,[46] it did not meet the approval of the majority in either section. Therefore, Southern Whigs used the opposition to the proviso to further the candidacy of General Taylor; and, as he was a Southern man and a slaveholder and had not been a party man, his candidacy met with the widespread approval in the South in both parties.[47]

But the question of the extension of the slavery was not to be settled in the presidential campaign of 1848. For the leaders of the Whig and the Democratic parties in both sections, alarmed at the sectionalizing tendency of the issue and fearing its effect on the existence both of the Union and of their parties, soon began to urge that the Wilmot proviso should not be made an issue of the presidential campaign. The success of their efforts is plainly registered in the proceedings of the national conventions of the two parties.

The Democratic convention contented itself with nominating for president Cass, of Michigan, who was committed to the policy of non-interference by Congress with slavery in the territories,[48] and with denying, in its platform, the power of Congress to interfere with the domestic institutions of the states and condemning all efforts to induce that body to interfere with questions of slavery as calculated to lead to most alarming and dangerous consequences.[49] These proceedings of the convention met the approval of all the delegates from Mississippi[50] and of a majority of the delegates from the other Southern states;

[45] *National Era*, August 12, 1847.

[46] Letter of Governor Brown, of Mississippi, to Governor Smith, of Virginia, April 15, 1847. *Niles Register*, LXXII, 178; Quotation from the *Natchez Courier*, *National Era*, August 26, 1847.

[47] *National Era*, July 15, 1847, August 12, 1847; August 26, 1847.

[48] Letter from Lewis Cass to A. O. P. Nicholson. December 24, 1847, *Niles Register*, LXXIII, 293.

[49] *Ibid.*, LXXIV, 326–329.

[50] A delegate from Mississippi placed Cass in nomination and the six votes of Mississippi, in the convention, were cast for him in each of the four ballots taken. *Ibid.*, 327.

and an effort of the minority of the platform committee, under the leadership of Yancey, to secure the passage of a resolution asserting "That the doctrine of non-intervention with the rights of property of any portion of this Confederacy, be it in the States or in the Territories, by any other than the parties interested in the said rights is the true Republican doctrine recognized by this body,"[51] was defeated by a vote of 36 to 216.[52]

The Whig convention avoided the slavery issue even more completely than the Democratic. It nominated Taylor for president, voted, by a large majority, to table a motion in favor of the Wilmot proviso, and adjourned without any declaration of principles.[53]

But there were those, both North and South, who were unwilling to fall in with the policy of the two great parties in ignoring the slavery issue and who objected to both Cass and Taylor for president. In the North, this sentiment resulted in the formation of the Free Soil party, composed of representatives of those who were sincerely opposed to the extension of slavery in the territories and of the Barnburners, a discontented Democratic faction of New York. Though Calhoun, Yancey, and others of both parties, in the South, were not satisfied with the policy of ignoring in the presidential campaign the issue involved in the Wilmot proviso, the effort to form a new party in that section on the slavery question had spent itself before the meeting of the national conventions, and after some hesitation, especially in South Carolina, Southerners, generally, aligned themselves in support of either Cass or Taylor.[54]

In the campaign, in Mississippi, as elsewhere in the South, the Whigs sought to ignore old party lines and present General Taylor as a national hero, a no-party man, and a Southerner, who because of his birth, training, and interests would be true to the interests of the South.[55]

---

[51] Du Bose, *The Life and Times of William Lowndes Yancey*, 219; *Niles Register*, LXXIV, 348. The minority report was signed by W. L. Yancey, of Alabama, John C. M'Gehee, of Florida, and J. M. Commander, of South Carolina.

[52] *Niles Register*, LXXIV, 349.

The yeas were Maryland, one; South Carolina, nine; Georgia, nine; Florida, three; Alabama, nine; Arkansas, three; Tennessee, one; Kentucky, one.

[53] *Ibid.*, 349, 354–358.

[54] *New York Semi-weekly Tribune*, August 25, 1848; August 28, 1848; December 12, 1848; *National Era*, October 26, 1848; Du Bose, *The Life and Times of William Lowndes Yancey*, 222–229.

[55] The *Natchez Courier* declared that General Taylor was "*as safe as any man in the South.* He was born in the South—raised in the South—his interests were en-

They denounced Cass as an abolitionist, using his own words against him,[56] and interpreted the Nicholson letter as asserting the right of the people of the territories to exclude slavery during the period of their territorial existence. The Democrats, however, insisted that the true interpretation was that the people of a territory had no power to admit or to exclude slavery until they were authorized to form a state constitution, and that when they had duly exercised such authority and asked for admission into the Union, it was not properly a subject of inquiry whether their constitution admitted or excluded slavery from the proposed state.[57]

Jefferson Davis agreed with the Whigs in their interpretation of the Nicholson letter; yet, in spite of his opposition to the doctrine of "squatter sovereignty" and of his being a son-in-law of Taylor, he supported Cass.[58] He gave as his reasons for doing so, that he believed that Cass would veto the Wilmot proviso or any other law that Congress might pass to prohibit slavery in the territories;[59] that, although neither party was fully with the South, so far as fraternal feeling was manifested by the non-slaveholding states, it was found in the Democratic party;[60] and that, if Cass were elected, he would be surrounded with Democratic counselors and would, in the main, administer the government according to Democratic principles and policy.[61] Or, in

---

tirely identified with Southern interests—his closest sympathies and earliest recollections are all entwined around Southern institutions—his family, fortune, first and oldest friends, all bound up in the South—are all sure guarantees that he will be true to the land that gave him birth—as true as *the magnet to the pole.*" It assured the people of Mississippi that it did not have the slightest doubt but that "Old Zack" was as much opposed to the "infamous proposition of that leading Loco-foco of Pennsylvania, Wilmot" as any man in the state. Quotation from the *Natchez Courier* (Whig), *National Era*, August 26, 1847.

[56] The *Natchez Courier*, October 24, 1848, quoted Cass as saying: "We are no slaveholders. We never have been. We never shall be. We *depreciate its existence* in principle and *pray for its obliteration* everywhere when it can be effected justly, peaceably, and easily for both parties."

[57] Speech of A. G. Brown in the House of Representatives, February 12, 1850, Clusky, *Speeches, Messages and Other Writings of Hon. Albert G. Brown*, 177; Letter from Jefferson Davis to Barksdale and Jones, December 27, 1851, *The Washington Union*, March 18, 1852; Speech of Davis, February 20, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 401.

[58] Letter from Jefferson Davis to the people of Mississippi, January 26, 1852, *Mississippi Free Trader*, February 11, 1852.

[59] Letter from Jefferson Davis to Barksdale and Jones, December 27, 1851, *Washington Union*, March 18, 1852.

[60] Letter from Davis declining to speak at Cold Springs, Mississippi, October 14, 1848. *Mississippi Free Trader*, October 26, 1848.

[61] Letter from Jefferson Davis to Barksdale and Jones, December 27, 1851, *Washington Union*, March 18, 1852.

other words, Davis supported Cass, in spite of his attitude toward the extension of slavery in the territories, because he was the nominee of the Democratic party and because Davis trusted in the power of the South to control that party and to dominate the government under a Democratic administration.

Not all the people of the South, however, saw with Davis's clearness of vision that it would be safer to commit their interests to a party, the organization and political machinery of which were well developed and under the control of the Southern leaders, rather than to a man, who, although a Southerner, had committed himself to no definite policy and was without political experience. Accordingly, a majority of both the popular and the electoral votes of the South were cast for Taylor and his success in the election was thus assured.

Taylor's carrying eight slave states and seven free states and Cass's carrying eleven slave states and eight free states proclaimed that the Democratic and the Whig leaders were successful, in this campaign, in preventing the Wilmot proviso from destroying the national character of their parties. Nevertheless the issue raised by that measure was not dormant during the course of the contest for the presidency. For it was raised again in the thirtieth Congress in connection with the bill for the organization of a territorial government for Oregon; and, when, on July 6, 1848, the president announced to Congress the ratification of the treaty of Guadalupe-Hidalgo and it became necessary for that body to organize territorial governments for the lands ceded in the treaty by Mexico to the United States, members of Congress threw themselves into the struggle over the extension of slavery into those territories with the determination to carry out the will of their respective sections.

In the thirtieth Congress, the men from Mississippi appeared who, with one exception, were to represent the state in that body throughout the crisis over the extension of slavery in the territory acquired from Mexico. In the Senate, were Jefferson Davis and Henry S. Foote. Fresh from his military triumphs in Mexico and sincerely devoted to the promotion of the welfare of his section and the protection of the rights of property in slaves, Davis held the confidence of his state and was well fitted to become the leader of the South in its struggle in defense of slavery when its greater leader, John C. Calhoun, should have passed away. Foote, lacking Davis's singleness of purpose and

consistency of character, had won his position of leadership in Mississippi by his matchless ability as a campaign orator and his resourcefulness as a party leader. Although his speech and conduct were often lacking in the dignity appropriate to the Senate, his willingness to yield more to the demands of the North in regard to slavery than were his colleagues, and his skill as a political manager enabled him to play an important part in this crisis.

In the House, A. G. Brown was the most able of the Mississippi delegation and was destined to become, after Davis, the most influential leader from Mississippi in the slavery controversy. His political career had been remarkable. In 1835, in the first election after he was twenty-one years old, he had been elected to the legislature and since then he had been successively member of Congress, judge of the circuit court, and governor of the state. In 1847, before his second term as governor had expired, he had been elected to Congress from the fourth congressional district without opposition, although his constituents knew he would be prevented by his duties as governor from taking his seat in Congress until two months after the opening of the session. Himself reared in poverty, Brown was, during his whole career, in sympathy with the poorer classes. Although he represented in Congress a district that included rich black counties on the Mississippi river, with aristocratic Natchez as a center, as well as barren "piney woods" and seashore counties in the east, and lived in Copiah, which during this period was becoming more and more prosperous, he was the faithful spokesman of the small slaveholders and the non-slaveholders among his constituents. This made him an interesting contrast to Jefferson Davis, who, from disposition and position, represented the planting element in the Democratic party. Reflecting the sentiments of the classes for which he spoke, Brown was more outspoken in his views and more radical in the measures he advocated than Davis. In 1847, as governor, he had taken a strong position in favor of the protection of the rights of the South and he entered the thirtieth Congress prepared to support his views on that question.

Of the other members of the House, Jacob Thompson, who had served in Congress since 1839, and Winfield S. Featherston, were important Democratic leaders in the northern part of the state and staunchly supported Southern interests during this crisis. Patrick W. Tompkins, the one Whig among the Mississippi delegates in Congress, stood

with his Democratic colleagues on all the measures proposed, during this Congress, for the protection of Southern rights; but he was destined to go down in the general defeat of his party in Mississippi, in 1849, on the slavery issue, and to have his seat taken in the thirty-first Congress by William McWillie, a Democrat.

These representatives from Mississippi, when they appeared in the thirtieth Congress, found the settlement of the issue of the extension of slavery in the territory acquired from Mexico complicated by the question of the organization of a territorial government for Oregon. For although the advocates of the extension of slavery admitted that the institution was not likely to be extended into Oregon, they sought to obtain from the North, as the condition of the consent of the South to the exclusion of slavery from Oregon, the extension of the Missouri compromise line to the Pacific; and in the last session of the twenty-ninth Congress had succeeded in tabling in the Senate a bill that had passed the House for the organization of Oregon with the exclusion of slavery.[62]

Therefore, in accordance with this policy, the senators and representatives from Mississippi, together with those from the other Southern states, with only a few exceptions, supported, in the first session of the thirtieth Congress, both the efforts of President Polk to settle the whole question of the extension of slavery by securing an amendment to the Oregon bill extending the Missouri compromise line to the Pacific;[63] and also the plan of the Senate to adjust that question through the Clayton compromise, which recognized the exclusion of slavery from Oregon, and provided for the settlement of that question in New Mexico and California by prohibiting the territorial legislature from passing laws relative to slavery and referring the final decision of the status of slavery in these territories to the Supreme Court of the United States by providing for an appeal from the territorial courts to that court.[64] But both these measures were defeated in the House;

---

[62] *Cong. Globe*, 29 Cong., 2 Sess., 571.

[63] Polk, *Diary*, III, 501–503; 504-505; IV, 13.

In conjunction with Foote and Bright, of Indiana, Polk drew up the amendment to the Oregon bill providing for the extension of the Missouri compromise line to the Pacific that was introduced into the Senate by Bright, June 27, 1848. He also held interviews with members of both houses of Congress to secure their support for the amendment.

[64] *Cong. Globe*, 30 Cong., 1 Sess., 1002–1005.

and the Senate, at length, the day before Congress adjourned, gave up its efforts to settle the question of the extension of slavery in the territory acquired from Mexico in providing a territorial government for Oregon, and passed the bill from the House for the organization of Oregon with the exclusion of slavery by the application of the restrictions of the Northwest ordinance.[65]

This struggle in Congress drew the lines more sharply between the two sections, in regard to slavery. Therefore, though the election of Taylor was hailed with rejoicing in the Southern states as evidence of the desire of the North to do justice to the South,[66] the more thoughtful, remembering the recent refusal of the North in Congress to yield anything to the demands of the South, were not deceived into thinking that in choosing a Southern slaveholder as president the North was expressing a willingness to give up the Wilmot proviso. But by the unanimity of action on the part of the members of Congress from the slaveholding states in seeking to enforce the demands of their section, they were encouraged to believe that the South could be united, for the struggle they saw before it, on a definite policy concerning the extension of slavery in the territories.

Accordingly Calhoun, whose dominant purpose since the days of the nullification controversy had been the uniting of the South for the protection of its interests, as soon as he saw that it was impossible to form a Southern party in the election of 1848, used his influence to persuade the people of South Carolina to act with moderation in the presidential campaign so as not to permit the result to estrange them in order that they might be united at its close.[67]

South Carolina responded to his influence and, before the campaign was over, was moving to formulate a definite plan of action in opposition to the Wilmot proviso. Through various public meetings and the press, the legislature was urged to declare that the line of 36° 30′ was the utmost concession that the South should make and that, if the Wilmot proviso were passed, the senators and representatives of South Carolina should return home and the legislature be convened

---

[65] *Cong. Globe*, 30 Cong., 1 Sess., 1078.

[66] Quotation from the *Savannah Republican*, *National Intelligencer*, November 30, 1848; Inaugural address of Thomas Brown, Whig governor of Florida, January 13, 1849, *Niles Register*, LXXV, 108.

[67] Speech of Calhoun in Charleston, August 19, 1848, *New York Semi-weekly Tribune*, August 28, 1848.

to adopt such measures as the exigencies should demand.[68] But South Carolina, together with Calhoun, had learned in the nullification conflict, the futility of independent action; and so her leaders, convinced that any action of South Carolina, to be effective, must be a part of a general movement of all the slave states,[69] sent out from Charleston in November a circular suggesting a convention of the slaveholding states and inviting the coöperation and counsel of all.

The sentiment in South Carolina with reference to the course to be pursued in regard to the Wilmot proviso met with approval in Mississippi.[70] But there, as elsewhere in the South, the Whigs were unwilling to jeopardize the recent victory of their party without further provocation; and public opinion was not yet prepared for action. The people of the state, however, were convinced of the necessity of the union of the slave states.

But the difference the people of Mississippi feared at this time more than all the differences with reference to parties or the course to be pursued by the South, was the growing difference between the border states and the cotton states with reference to slavery. The material interests of Delaware had already detached it from the South and grave fears were entertained that the interests of Maryland, Virginia, Kentucky, Missouri, and even Tennessee might detach them also. Through the press and public meetings, it was represented that because of the uncertain tenure, due to the recent agitation, by which slaves were held in Maryland, Virginia, Kentucky, and Missouri, these states were throwing an immense black population into the extreme Southern states and that, as soon as they had sold a sufficient number of slaves to make it profitable, they would abolish slavery. As a consequence the cotton states, weakened by the defection of the old border states and a dangerously increased negro population, would have to meet the issues connected with slavery as border states. This alarm was intensified by efforts in the border states to call conventions to manumit their slaves. To force the border states to retain their slaves and to stand between the cotton states and the fanatics of the

[68] *New York Tribune*, November 7, 1848, and March 10, 1848; *National Intelligencer*, December 16, 1848; *Niles Register*, LXXIV, 332.

[69] Message of Governor Johnson to the legislature, November 27, 1848, *Niles Register*, LXXIV, 368; Letter from H. W. Conner to Calhoun, November 2, 1848, *Calhoun Corresp.*, 1184.

[70] *Mississippi Free Trader*, December 5, 1848.

North, the cotton states were urged to adopt effective laws forbidding the importation of slaves into their borders for sale.[71] So great was felt to be the importance of immediate action, the governor of Mississippi was urged to convene the legislature in a special session to consider the prohibition of the inter-state slave trade.[72]

This uneasiness on the part of Mississippi and the other cotton states as to the growing tendency in the border states to get rid of their slaves strengthened their desire for the extension of slavery into the territory acquired from Mexico and for the speedy settlement of that issue. Accordingly, when Congress met in December 1848, the Southern members were more united than ever before in their determination to effect a decision of the question satisfactory to them. The necessity for providing territorial governments for New Mexico and California was, also, pressing, and the president, in his message of December, 1848, urged Congress to make provision for the organization of governments in those possessions. Therefore, the agitation over slavery was immediately renewed in Congress with increased vigor and determination.

The radical difference between the Senate and the House on the subject was soon made manifest. All reference to slavery was carefully excluded from the bills introduced into the Senate concerning California and New Mexico; but the House, on December 13, instructed the committee on territories to report, with as little delay as possible, a bill or bills providing territorial government for each of the territories of New Mexico and California and excluding slavery therefrom.[73]

Earlier in the same day, the question concerning slavery and the slave trade in the District of Columbia was injected into the struggle between the two sections by the request of John G. Palfrey, of Massachusetts, for the permission of the House to introduce a bill to repeal all congressional legislation establishing or maintaining slavery in the District of Columbia.[74] The permission of the House was refused

---

[71] *Natchez Courier*, December 12, 1848; *Mississippi Free Trader*, November 30, 1848.

[72] Proceedings of a meeting in Madison county, *Mississippi Free Trader*, January 31, 1849.

[73] *Cong. Globe*, 30 Cong., 2 Sess., 39.
Root of Ohio offered the resolution and it was adopted by a vote of 106 to 80.

[74] *Ibid.*, 38.

Palfrey; but December 18, Giddings, of Ohio, succeeded in introducing a bill authorizing the people of the District to vote on the question of the continuance of slavery therein.[75] This bill, however, was laid on the table when the information was elicited from its author by Tompkins, of Mississippi, that slaves might participate in the vote.[76] But three days later a resolution introduced by Gott, of New York, instructing the committee for the District of Columbia to report a bill prohibiting the slave trade in the district was passed by a vote of 98 to 88.[77]

The Southern delegates in Congress were thoroughly alarmed by the course of the House in regard to slavery and the growing strength of the abolition sentiment in the North and many of them were convinced that prompt and vigorous measures on the part of the Southern representatives in Congress were necessary to check the proposed aggression on their rights.[78] Accordingly a meeting was called of the members of Congress from the slaveholding states, on the day succeeding that of the passage of Gott's resolution, to formulate a definite plan of action and secure for it the united support of all the Southern delegates without reference to party. Many of the Whigs, however, disapproved of this Southern movement from the beginning

[75] *Cong. Globe*, 30 Cong., 2 Sess., 55.
[76] *Ibid.*, 56.
[77] *Ibid.*, 84.
[78] A letter from J. H. Harmanson, a Democratic representative from Louisiana to J. F. H. Claiborne reveals, more clearly than official documents, this alarm and the sentiment among the Southern members of Congress that produced the Southern movement. He wrote that abolition was carrying everything before it in Washington and asserted that, if the South vacillated or yielded in the least, it would lose all, and its fate would be the fate of Ireland or, perhaps, of San Domingo, but that, if it remained firm and let the Northerners know that it would be their equal or their foe and would contend to the last extremity for its constitutional rights, the Northerners would hesitate and abandon their traitorous violation of the constitution. He asked Claiborne to use his pen to arouse the people of the South to their danger and their duty. "The Northern Whigs," he declared, "are much frightened at their position. But are so connected with the abolitionists that they cannot shake them off without the Union should be the issue. If they believe the South will submit they will urge Taylor to go with them. If it is clear that the South will resist Taylor will be with us and all the leaders of the Whig party will sustain him, his position and theirs will depend on the South. I understood yesterday that Bell said two weeks ago Taylor would have signed the Wilmot proviso. Now he thinks he would not do it. The Northern familiar will force him on to rob us of our rights. He will be on the side of the South if we are true to ourselves. We will unite the South and divide the North and save the South and the constitution." J. H. Harmanson to J. F. H. Claiborne, Washington, December 24, 1848, *Claiborne Papers*, State Archives, Jackson, Mississippi.

and entered the meetings only to block it.[79] For they feared the movement might disrupt the Whig party and they had no intention of forfeiting the results of the recent victory of their party and jeopardizing the success of Taylor's incoming administration. They, therefore, asserted that any movement looking to sectional combination and to resistance was a step toward the dissolution of the Union and ought not to be countenanced, and declared that they would stand by the government until it committed an overt act of aggression upon their rights.[80]

But in spite of the vehement opposition of the Whigs, both in the committees and in the meetings of the Southern members of Congress,[81] and of the influence of the Democratic president,[82] "The Address of the Southern Delegation in Congress to their Constituents," drawn up by Calhoun, was finally adopted in a slightly modified form. The effectiveness of the opposition, however, was such that only forty-eight of the one hundred and ten members of Congress from the slaveholding states affixed their signatures to the document.[83] The fact that only two Whigs signed the Address and many Democrats refused to sign is proof that the majority of the Southern members of Congress were not yet convinced that the interests of the South demanded the breaking of party ties and the formation of a Southern party.

With the exception of South Carolina, Mississippi was the only state whose representatives gave their united support to the Southern movement. Senator Foote took an active part in calling the initial meeting[84] and, together with Jefferson Davis, ably supported Calhoun, who was the dominant force in the whole movement. The Address was signed by all the members of Congress from Mississippi, even by Patrick W. Tompkins, the one Whig representative, sectional interests proving stronger with him than those of party.[85]

[79] Letter from Toombs to Crittenden January 22, 1849, Coleman, *The Life of John J. Crittenden*, I, 335–336.

[80] Letter from Toombs to Crittenden, January 22, 1849, Coleman, *Ibid.*, *Mississippi Free Trader*, January 31, 1849.

[81] *Ibid.*; *Niles Register*, LXXV, 84–88; 101–104.

[82] Polk, *Diary*, January 17, 1849, IV, 289.

[83] Calhoun, *Works*, VI, 312–313. Only two Whigs signed the address; Gayle, of Alabama, and Tompkins, of Mississippi.

[84] Polk, *Diary*, December 22, 1848, IV, 249; *Cong. Globe*, 30 Cong., 2 Sess., appx., 264; Letter of Foote to Henry A. Wise of Virginia, June 23, 1849. *National Intelligencer*, June 28, 1849.

[85] Calhoun, *Works*, VI, 312–313.

The Southern Address is a cautious and moderate statement of the Southern position, for the object of Calhoun in issuing it was to unite in defense of the interests of the South men of different political parties and of great diversity of opinion as to the course the South should pursue in the crisis facing it. The Address gave an account of the series of aggressions and encroachments on the rights of the South and pointed out the dangers that threatened that section and the whole body politic. It charged the North with violating the constitution in refusing to return fugitive slaves and in withholding from the South equal rights in the territories; denied to Congress all jurisdiction over slavery; and warned the people of the slaveholding states that, if the North succeeded in excluding them from the territories, the results would be the abolition of slavery by a constitutional enactment and the complete reversal of the relation between the whites and the negroes in the South. But as to what should be done, the Address declared that belonged to the people of the South to decide and recommended only that the South should be united.[86]

But while motives of party were working to bring to nought the Southern movement in Washington, the Southern states were taking alarm at the threatened legislation in Congress, and lent their aid to further the movement to unite the South in defense of slavery. The legislature of South Carolina resolved unanimously that the time for discussion by the slaveholding states, as to their exclusion from the territory recently acquired from Mexico, had ceased, and that South Carolina was prepared to coöperate with her sister states in resisting, at any and every hazard, the application of the principles of the Wilmot proviso to such territory.[87]

Of far more weight and importance in the Southern movement, however, was the action of the general assembly of Virginia. January 20, 1849, that body passed a series of resolutions reaffirming its resolutions of March 8, 1847, and, in addition, resolving that the passage of a law by Congress abolishing slavery or the slave trade in the District

[86] Calhoun, *Works*, VI, 285–312.
The failure of the address to recommend a Southern convention was no doubt due to the fact that it was well understood that it would be impossible to secure the approval of a majority of the Southern members of Congress and also to the fact that Calhoun wished such a movement to originate not in Congress, but in the states themselves.

[87] *Mississippi Free Trader*, January 6, 1849; *Cong. Globe*, 30 Cong., 2 Sess., 456.

of Columbia would be regarded as a direct attack upon the institutions of the Southern States, to be resisted at every hazard, and requesting the governor of the state to convene the legislature to consider modes and measures of redress in the event of the passage by Congress of the Wilmot proviso or any law abolishing slavery or the slave trade in the District of Columbia.[88] Whatever were the motives of the members of the Virginia assembly in passing these resolutions, they had behind them the weight of the power and conservatism of Virginia and became a factor in the Southern movement hardly second to the Southern Address.[89]

But before the passage of the Virginia resolutions, the Southern movement had had some effect on the action of Congress; for on January 10, 1849, Gott's resolution was reconsidered and dissappeared from the calender. But the South, bitterly resenting the efforts of the opponents of slavery to exclude the institution from the District of Columbia, had contributed its part to increasing the slavery agitation by raising an issue that was to prove one of the most effective in producing a sectional alignment against slavery. On January 10, when Gott's resolution was considered in the House, Meade, of Virginia, offered an amendment instructing the committee for the District to report a bill "more effectually to enable owners to recover their slaves escaping from one state to another."[90] Though the amendment was ruled out of order, the issue was raised and the South was prepared to insist on the redress of this grievance. The discord between the sections was also increased by a sharp debate in the House on a bill, reported, January 31, from the committee of the District of Columbia, prohibiting the importation of slaves into the district for sale or hire.

Finally, before Congress adjourned, the agitation over the slavery issues was increased and the bitterness between the sections intensified by a trial of strength between the Southern interests in the Senate

---

[88] *Niles Register*, LXXV, 73; *Cong. Globe*, 30 Congress, 2 Sess., 441.

[89] R. K. Crallé wrote to Calhoun July 25, 1849, "The course of the last Legislature was, I fear, a mere *ruse de guerre*, a manouvre of Party. Neither Party acted in good faith; and neither I fear will venture to come to the principles avowed in the Resolutions. Indeed, had the action on the Resolutions been postponed until after the result of the meeting in Washington was known, I am sure they would not have received the votes of a dozen Whigs. On the other hand the design of the Democrats was to force their opponents into a false position, while they covered their own past treachery to the South." *Calhoun Corresp.*, 1199–1202.

[90] *Cong. Globe*, 30 Cong., 2 Sess., 216.

and those of the North in the House. On February 20, the Senate adopted, by a vote of 29 to 27, an amendment, offered to the general appropriation bill by Walker, of Wisconsin, extending the constitution of the United States to the territories acquired from Mexico.[91] The House, February 27, passed, by a vote of 126 to 87, a bill for the organization of a territorial government in California excluding slavery.[92] The Senate promptly referred the bill from the House to the committee on territories where it was safely pigeon-holed[93] and the House, on its part, March 2, 1849, rejected the Walker amendment by a vote of 114 to 100.[94] As this amendment was attached to the general appropriation bill, there were scenes of great excitement in Congress. The House however, remained firm and the Senate, finally, several hours after the session of Congress had technically closed, receded from its position and passed the appropriation bill without the amendment.

The thirtieth Congress then came to an end without having taken any positive action in regard to the slavery issues that had been raised during its sessions. The angry debates, however, and the fierce struggles that had taken place during its course had thoroughly aroused the people of the two sections in regard to those issues. The legislatures of the Northern states, one after another[95] passed resolutions declaring that Congress possessed the power to prohibit slavery in the territories and that it was its duty to exercise that power;[96] and many of them instructed their Senators and requested their representatives to exert their influence for the abolition of slavery and the slave trade in the District of Columbia.[97]

The people of the South were even more thoroughly aroused than those of the North. The Southern movement had, no doubt, been begun in Congress by Calhoun and other leaders from a sincere conviction that united resistance on the part of the South was necessary to save its interests, and the response to it indicates that this conviction was strong in the slaveholding states. The fact that the Whigs,

[91] *Cong. Globe*, 30 Cong., 2 Sess., 561.
[92] *Ibid.*, 609.
[93] *Ibid.*, 612.
[94] *Ibid.*, 664.
[95] With the exception of Iowa. Instructions to the members of Congress to vote for the Wilmot proviso passed the Senate of that state, but were laid on the table in the House.
[96] *New York Tribune*, July 23, 1849.
[97] *Niles Register*, LXXV, 190, 191, 378, 399.

from party considerations, were induced to hold back in the movement gave the Democratic leaders an opportunity to make out of it party capital; but as the feeling in the South developed in intensity, the Whigs were drawn more and more into the movement either from sympathy or policy. This blotting out of party lines by sectional interest was aided, first, by the dissatisfaction of Southern Whigs with the cabinet formed by President Taylor and, later, by their perception that Taylor was falling more and more under the influence of Seward.

The border states shared the general alarm of the South and the growth of sentiment for the united action of the slaveholding states, following the Southern Address and the resolutions of the Virginia legislature, is well illustrated in Missouri. February 27, 1849, the legislature of that state rejected resolutions thanking Atchison for his course in Washington and approving the Southern Address;[98] but a few weeks later the same body passed resolutions denying Congress the power to legislate on the subject of slavery so as to affect the institution in the states, in the District of Columbia, or in the territories and pledging Missouri to a hearty coöperation with the other slaveholding states in such measures as might be deemed necessary for their protection against the encroachments of Northern fanatics.[99]

In Tennessee, the Democratic state convention in its address to the voters of the state asserted that "The encroachments of our Northern brethren have reached a point where forbearance on our part ceases to be a virtue" and, while expressly disclaiming all threats of either nullification or secession, declared that it had become "the duty of all Southern men, without regard to party distinctions, to deliberate and determine upon the true and safe line of policy to be adopted."[100]

In Kentucky, the controversy raged around the emancipation of slaves in the constitutional convention to assemble in October of that year. The question was made an issue in every county; and not one delegate favoring emancipation was elected to the convention.

In the cotton states, where necessity for action was more deeply felt, the Southern Address met with widespread approval and the Virginia resolutions were everywhere endorsed. South Carolina was,

[98] *New York Semi-weekly Tribune*, March 21, 1849.
[99] *Niles Register*, LXXV, 270, April 25, 1849.
[100] *Ibid.*, 374.

of course, in advance of the other states and more ready for action. It was declared:

> The activity of this remarkable state reminds one of the times of nullification. Every district has its meetings and a committee of vigilance and safety.

The journals were full of fight and, though devoted to free trade, were insisting on non-intercourse with the North and saying that the Union was already dissolved.[101] The committees of vigilance of the districts and parishes throughout South Carolina held a state convention at Columbia on the fourteenth and fifteenth of May, in which resolutions were adopted approving the Southern Address, concurring in the Virginia resolutions, and requesting the governor to call a session of the legislature in the event of the passage of the Wilmot proviso or an act prohibiting slavery or the slave trade in the District of Columbia; and in which a central committee of vigilance and safety was appointed, and the districts and parishes were urged to keep up and perfect their organizations.[102]

In Alabama, almost all the southern counties responded to the Southern Address without distinction of party, but north Alabama was much slower in action.[103] The Democratic state convention passed resolutions reaffirming the Virginia resolutions and approving the course of the members of Congress who put forth the Southern Address.[104] In Georgia, there was great excitement over the slavery question. The Democratic state convention adopted unanimously the Virginia resolutions and denied the power of Congress to ratify any act of a territorial legislature establishing or prohibiting slavery; but for the sake of harmony, it did not touch the Southern Address.[104]

In the meantime, Mississippi was as thoroughly alarmed and aroused as the other Southern states and was preparing to take its part in the Southern movement.

---

[101] *National Era*, April 26, 1849.

[102] *Ibid.*, May 24, 1849; *National Intelligencer*, May 24 and 26, 1849.
The executive committee consisted of F. H. Elmore, Wade Hampton, D. J. McCord, James Gadsden, and F. W. Pickens.

[103] Letter of Hilliard M. Judge to Calhoun, Eutaw, Alabama, April 2, 1849. *Calhoun Corresp.*, 1195–1197.

[104] *New York Semi-weekly Tribune*, June 23, 1847.

[105] Letter of H V. Johnson to Calhoun, July 20, 1849, *Calhoun Corresp.*, 1198. Only three of the members of Congress from Georgia signed the Southern address: Johnson, Haralson, and Iverson.

CHAPTER III.

THE DEVELOPMENT OF THE SOUTHERN MOVEMENT IN MISSISSIPPI.

As early as February 10, 1849, the *Mississippi Free Trader* was urging the State of Mississippi along the course that it would follow. In an editorial on Calhoun's address, it asserted that it did not desire to agitate unnecessarily, nor to stir up sectional strife, nor did it wish Mississippi, by any rash or impulsive action, to render herself ridiculous; but that it did hope to see complete unanimity among the slaveholding states in the defense of rights and interests, precious alike to all. It declared:

> The settlement of these questions must be strictly and entirely unanimous, and to accomplish this desired end, we have plied our pen, in urging upon the people a Southern convention. To this it must come at last—such a Convention must be held, for in no other way can we possibly see any chance of obtaining unanimity and concert of action. We therefore urge our brethren of the press to stir up the people to action; the time for talking or threatening is past; we must lay down our platform broadly and openly, and say to our Northren brethren, 'thus far and no further,' We believe we have yet the power to say this, but we cannot have it much longer, if we quietly submit to future encroachments, or appear satisfied whilst these encroachments are gathering strength and popular support.[1]

The members of the Democratic party in Mississippi from one end of the state to the other took up the Southern movement and in public meetings heartily approved the Southern address,[2] expressed gratitude to the senators and representatives who signed it,[3] and evinced satisfaction at the position taken by Virginia, South Carolina, and North Carolina.[4] They also declared that any measure passed by Congress prohibiting slavery in the territories should be resisted by all the

---

[1] *Mississippi Free Trader*, February 10, 1849.

[2] Democratic Meeting in Port Gibson, *Mississippi Free Trader*, April 14, 1849; Democratic Meeting in Meadville, Franklin county, *Ibid.*, April 21, 1849; Democratic Meeting in La Fayette county, April 30, 1849, *The Organizer* (Oxford, Miss.), May 5, 1849.

[3] Democratic Meeting in Jasper county, *Mississippi Free Trader*, April 11, 1849; Democratic Meeting in Columbus, Lowndes county, *Ibid.*

[4] Democratic Meeting in Meadville, *Ibid.*, April 21, 1849.

means in the power of the slaveholding states,[5] pledged themselves to coöperate with their brethren of the South in the adoption of such measures as would most effectively secure to them the rights and enjoyments of property, and relieve and protect them from future insult and encroachment,[6] and required their representatives in the ensuing legislature to bring the subject before that body to determine the most suitable manner and mode of arresting the aggressions upon the rights and privileges of the South and of providing for the future safety and security of its institutions.[7]

The Whigs, on their part, as they saw the opposition to the demands of the South growing stronger in the North, became convinced that, to prevent the passage by the next Congress of the measures that had been proposed in the last, it was necessary to unite the South in a determined opposition to them; and gave in their support to the Southern movement.

After several months of agitation in Mississippi, a movement began to take shape for some definite action by the state. A call, signed by forty-five leading men of both parties, was issued from Jackson, summoning the citizens of central Mississippi, without distinction of party, to meet in Jackson, May 7, 1849. The object of the meeting, as set forth in the call, was to take into consideration the course that was being pursued by many of the Northern states, through their representatives and senators in Congress and their state legislatures, upon the subject of the extension of slave labor to the newly acquired territories and its existence in the District of Columbia, and to ascertain whether Mississippi would coöperate with certain other states to arrest what appeared to be "the fixed determination on the part of the North to assail, if not destroy, the equality, independence and existence of the Southern states."[8]

The meeting was held at Jackson on the appointed day and "was respectable in point of numbers" and characterized by moderation,

---

[5] Resolutions of Democratic Meeting in Marshall county nominating Quitman for governor, May 5, 1849, *Natchez Courier*, May, 23, 1849.

[6] Democratic Meeting in La Fayette county, *The Organizer*, May 5, 1849; Democratic Meeting in Meadville, *Mississippi Free Trader*, April 21, 1849.

[7] Democratic Meeting in Meadville. *Ibid.*

[8] *Natchez Weekly Courier*, May 1, 1849. *Mississippi Free Trader*, May 16, 1849.

dignity, and almost entire unanimity.[9] The governor, Joseph W. Matthews, was chosen president and a committee of Whigs and Democrats, the leading men of the state, was appointed, on motion of Chief Justice William L. Sharkey,[10] to draft resolutions and to prepare an address explanatory of the objects of the meeting.[11] In the evening the committee reported to the meeting an address to the citizens of Mississippi and a series of resolutions, both of which were unanimously adopted.

Since the address sets forth the position and principles on which the Democratic and the Whig leaders of Mississippi were united in initiating the movement in the state for united action in defense of its rights, it is of interest and importance. In it the committee, first, vindicated the objects and motives of the meeting and, then, discussed the principles upon which the South placed its reliance. They declared that they had approached the subject of the controversy between the Northern and the Southern states in full view of its solemnity and importance, not as a mere question of expediency on a matter of secondary consideration, but as one in which their dearest rights were involved, rights that they possessed as citizens of independent states and that were reserved to them by the constitution of the United States. They also declared their veneration for the Union and denied that they agitated unnecessarily the alarming question of the controversy between the sections, for they would gladly see it put to rest for ever. But they were admonished by the past what they might expect in the future; they could not be indifferent to the warning furnished by the fact that at every succeeding session of Congress the question had been revived with renewed energy and vigor and with an increased number of friends; and they saw no abatement

---

[9] *Natchez Weekly Courier*, May 15, 1849.
The *Courier* quotes the *Southron* as stating that, but for the inclemency of the weather, a majority of the counties in central Mississippi would have been represented.

[10] William L. Sharkey had been chief justice of Mississippi since 1832 and was one of the leaders of the Whig Party in the state. In the Nullification controversy he had accepted the doctrine of state sovereignty enunciated by Calhoun and had helped to organize the State Rights party formed in Mississippi at that time.

[11] The committee consisted of Hon. William L. Sharkey, Chairman, Hon. John I. Guion, Hon. Anderson Hutchinson, George Yerger, Esq., Gen. William R. Mills, Col. D. C. Glenn, G. W. L. Smith, Esq., Gen. A. B. Wooldridge, Col. William R. Hill, Hon. Jefferson Davis, Caswell R. Clifton, Esq., Col. C. S. Tarpley, H. T. Ellett, Esq., Charles Scott, Esq.

of energy in pursuit of what seemed to be a settled design to encroach upon their rights until they should be destroyed. They asserted:

> In the prospect of approaching danger it becomes us to avert it if possible, but to prepare to meet it if it must come. The true patriot will endeavor to ward off the catastrophe which threatens to be fatal to his country, before it does its work of destruction. We have met not only in defence of out individual rights, but in defense of out common country; and we would fondly hope that our timely warning may save our Union unimpaired. We meet not to agitate—not to act, but to prepare for action when the occasion may be forced upon us.

In discussing the principles in which the South placed its reliance, this committee denied that Congress has any power over any description of property in the states and supported their position by assertions that show that the doctrine of state sovereignty had a firm hold among the leaders of Mississippi. Before the adoption of the constitution, they declared,

> Each State was a separate sovereignty, whose government was organized for the protection of life, liberty and property, and having, as every sovereignty must, the exclusive protection of these important subjects. By the constitution, no powers are given away except such as might be necessary to give us a national character, and a national existence, in our intercourse with foreign nations, and such as might serve to bind us together as a family of republics. The States did not surrender their control over persons and property within their limits: that would have destroyed their identity; and all power not delegated by the constitution is reserved to the States. The Constitution of the United States does not create a government with sovereign power, and property is subject alone to the control of a government having such power. Such control is an important attribute of sovereignty. Indeed, the protection of property is the strongest ligament of government. The government created by the constitution is limited. It must look to the constitution alone as the charter of its power, and all its actions must be confined within the limit there prescribed. There no power of interference with property within the States is to be found.

The question of the unlimited power of Congress to legislate for the territories, the committee declared it was not their purpose to controvert in the address; but, in discussing how the power might be exercised if it were possessed, they asserted that the territories are common property, subject to be occupied by the common people from any portion of the Union, in the same freedom they enjoyed in the states, both as to their persons and their property, and denied that Congress has the power to say what is or is not property in the territories belonging to the people of the United States and to exercise over property in the territories any power detrimental to the unqualified rights of the owners.

The basis of slavery, they found in the inequality between the white man and the negro and declared it to have existed in all ages of the world and to have originated not in positive or statute law but "by a universal law of conquest, which the God of nature gave to his highest work, to hold dominion and power over the inferior things of his creation." They further declared that slavery was a blessing to the negroes for servitude was their happiest and most elevated position and the place assigned to them by the God of nature in the great scheme of creation.

The committee condemned the attitude of the people of the North in holding in utter disregard the provision in the constitution that authorized the owner to recapture his fugitive slave, lamented the misguided zeal of the Northerners and their false philanthropy, reminded them it was not for them to determine whether slavery was a blessing or a curse to the South, and, in the name of a common country, implored them to beware lest they drive the South to extremities that would be fatal in their results, for while the North professed not to interfere with slavery in the states, Southerners could not be mistaken as to the ultimate end that it desired to accomplish.

The committee, also, expressed their approbation of the course of the delegates from Mississippi in Congress in regard to the Southern address and declared that, as faithful sentinels, they had warned the people of Mississippi of approaching danger. Furthermore, they asserted that it was becoming the people of Mississippi, to vindicate the sovereignty of their state, and that it was proper for the whole South to act together for that purpose. They also expressed their unqualified concurrence in the resolutions of the Virginia legislature as clearly and forcibly setting forth the constitutional rights of the South.

Finally, while asserting that they would regard any legislation by Congress, either past or to come, that in any degree, either directly or remotely, might seem to give sanction to the authority of that body over the subject of slavery, as void for want of power, and in its tendency destructive of the principles of the Union, they declared that it would be with the people of Mississippi to say whether they would meet their brethren of the North, in good faith, should it be tendered, in carrying out the Missouri compromise line, not as a matter of intrinsic obligation, but by common consent of the people.

For they denied most positively its legal validity as an act of legislation and asserted that a constitutional principle admitted of no compromise by Congress.

The committee concluded the address by declaring that, as it represented but a small portion of the state, it did not feel authorized to prescribe the course that should be pursued by the state for that was a question of state sovereignty on which the people of the whole state should speak. Therefore, they recommended to the meeting for adoption a series of resolutions recommending the citizens of Mississippi to hold immediately, in each county, a primary meeting of the citizens for the choice of delegates to meet in convention in Jackson on the first Monday in October, in order to express the will, understanding, and voice of the whole people of the state upon the issues presented in relation to the territories of the United States and the question of domestic slavery. The resolutions further recommended, that, as the controversy involved was one in which it was impossible that any party difference could exist in the state, in order to prevent any undue assumption or suspicion, on that score, there should be an equal number from each of the great political parties among the delegations to be chosen and that, to effect that object, the delegations ought to be double that of the representation of the state in the lower house of the legislature.[12]

The address, designed to conciliate all parties in Mississippi, was hailed by both the Whig and the Democratic press as an ably written, temperate, and dignified document, worthy of its author and the meeting that sanctioned it.[13] But a lack of unanimity in the state as to the measure it recommended was revealed in the comment of the *Natchez Courier* on the meeting. Although speaking with approval of the address and the moderation, the dignity, and the spirit of unanimity that characterized the meeting, it regretted that the Central meeting had not recommended something of "practical value" to the people of Mississippi. A wise man, it declared, when he perceives trouble approaching takes the best steps to protect and defend himself against the emergency, but the Central meeting had simply

[12] Address and Resolutions adopted by the meeting of the citizens of central Mississippi, May 7, 1849. *Mississippi Free Trader*, May 16, 1849.

[13] *Natchez Weekly Courier*, May 15, 1849. *Mississippi Free Trader*, May 16, 1849.

adopted a report and passed resolutions recommending the people to assemble in a convention to adopt another report and pass another set of resolutions. One of the eloquent speakers, it declared, Colonel Jefferson Davis, appeared to think that the controversy would end in the dissolution of the Union and appealed to the arbitrament of the sword, but neither did he nor any other member of the meeting recommend anything to put the people of Mississippi in a condition to withstand that bloody arbitrament. The *Courier* asserted:

> Had the Central meeting recommended to the people that they instruct their representatives in the next legislature to pass laws prohibiting further slave emigration to the state, thus nipping emancipation in the border slave states—had they shown our people the necessity and profit of manufacturing our raw material at home, of tanning our own hides, of making our own boots and shoes, hats and caps, and all other indispensable articles which experience has shown we can manufacture with success and profit—had they recommended an extensive plan for the encouragement of home industry among our people, the development of the varied resources of the cotton growing region, calculated to render us commercially independent within ourselves—we believe that great and lasting good would have been accomplished.[14]

Though the Whigs who formed so large a part of the Central meeting in Jackson, comprising as they did "the pride, the strength, and the ornament of their party," gave by their participation in that meeting a guarantee that the Whig party would unite with the majority party in Mississippi in the movement to have the state present an undivided front in the controversy over slavery; yet neither party had any idea of dropping all party issues and amalgamating in one great Southern party. Both entered the campaign for the election of state officers and members of Congress with all their old time partisan vigor and even used differences of opinion as to the slavery controversy as campaign material.

The Democratic convention met first. In regard to the slavery question, it contented itself with simply declaring that, since the repeated, continued, and rapid aggressions of the Northern against the Southern states of the Union had reached a crisis that demanded the united, harmonious, and earnest action of the friends of the South, without distinction of party, the convention cordially approved the address and resolutions adopted at the Central meeting in Jackson and recommended the democracy of the state to engage in the primary

---

[14] *Natchez Weekly Courier*, May 15, 1849.

meetings to select delegates to the convention recommended by the Central meeting.[15]

The convention nominated for governor, General John A Quitman, who had been an enthusiastic advocate of westward expansion, had won fame in the Mexican War, and had, since the days of the nullification controversy, been an ardent defender of Calhoun's political theories and supporter of the rights of the slaveholding states. Although in the struggle over the tariff, he had pointed out the necessity of the South's accepting the doctrine of state sovereignty to defend its peculiar institution,[16] the people of the state had not seen with his clearness of vision and the Democratic party had condemned the political theories of the "Nullifiers" and held them up to scorn.[17] In the intervening years, Quitman stood true to his principles, and his party and his state were being brought to his views by the compelling forces of economic, social, and political interests.

Though the convention, contenting itself merely with approving the address and the resolutions of the Central meeting, did not make a statement of the object of the Democratic party of Mississippi in the Southern movement and the means that it proposed to use, a statement made in a speech before the convention by Jefferson Davis, one of the originators and the guiding spirits of the movement and a trusted leader of the party may be taken as expressing the views of the party on those subjects. Davis declared:

> To preserve the Union as established under the Constitution, and our equal rights and privileges in it is our highest hope. I believe the united, decided, energetic action of the South will insure success, whilst divisions among ourselves will entail consequences from the contemplation of which every patriot must recoil. We must be harmonious to be respected, and united to be safe.[18]

But the Democratic convention of the first congressional district, perhaps, set forth most fully the position of the Democrats of Mississippi, at this time, on the questions at issue between the two sections.

---

[15] Proceedings of the Democratic State Convention, June 18 and 19, 1849. *Mississippi Free Trader*, June 27, 1849.

[16] Address to the people of Mississippi by the committee appointed by the States Rights Convention assembled at Jackson May 21, 1834. *Vicksburg Register*, July 31, 1834.

[17] Journal of the Convention of the Democratic party of the State of Mississippi, Jackson, June 9, 1834, *Vicksburg Register*, July 10, 1834.

[18] Speech of Jefferson Davis before the Democratic state convention, *Columbus Democrat*, August 1, 1849.

The preamble adopted by the convention, in an unrestrained indictment of the North for its course towards slavery, reveals the forces that were arousing the state to action, and the resolutions give the purpose of the Democrats, in the northern part of the state, at least, in joining the Southern movement.

The Northern brethren, the preamble declared, influenced by feelings of fanaticism, or stimulated by unjust and ungenerous prejudices, had for many years manifested a settled hostility to the Southern states and a growing disposition to intermeddle with the relation between the master and his slave as it was recognized in the constitution of the Union and established by the fundamental laws of the states. Animated by this spirit and alike unmindful of those fundamental ties which grew out of the compact of the Union, and of the obligations imposed by the solemn sanction of the constitution, as well as the endearing principles of justice, they had set on foot a regular system of measures for the avowed object of the ultimate overthrow of the institution of slavery in the states where it existed. To effect this purpose, the press, the pulpit, the hustings, as well as the halls of state legislatures had all been used and, by those potent instruments, the people of the South had been abused and insulted, their right to their slaves, which rested upon the solid basis of constitutional guarantees, openly denied, the institution denounced as a flagrant violation of the laws of God, of religion, and of humanity, and the assurance given that the foul stain of slavery upon the national character should not continue. In addition, the opponents of slavery had organized their forces, by means of anti-slavery societies, the periodical assemblages of which were marked by excited discussions of the evil and the sin of slavery and by defamatory harangues against the slave owners of the South, whom they presented to the world as heartless tyrants and, very often, as pirates and robbers. These views they had embodied in pamphlets and anti-slavery tracts, embellished by pictorial representations, often of the most insulting and libelous character, and distributed for general circulation. In addition, the societies were engaged in raising funds to pay unprincipled emissaries, whose business it was to creep in among the slaves and incite them to sedition and rebellion, or steal them from their owners and carry them into free states; and also in agitating a dissolution of the Union as a means of alarming the people of the South into submission. Added

to all this, they had sought the alliance of a formidable foreign government to aid their schemes of aggression and intrigue.

But not satisfied with these modes of attack, the abolition party had resorted to the more imposing form of solemn legislative resolutions and state laws. In some of the Northern states, the people of the slaveholding states had been admonished, by resolves, of the great sin of slavery and told that, if it were continued, the Union should be dissolved, for slave holders were not fit to associate with the people of the North. In others, provision had been made, in direct violation of a plain provision of the constitution, to prevent the owner of a fugitive slave from recovering his property; and, pursuing the same policy, some of the states had refused to surrender persons who had stolen slaves and made their escape from justice, though indictments had been regularly found against them, and had had the insulting audacity to tell the people of the South that slaves were not and could not be subjects of property.

Not satisfied, however, with this war of words and this system of aggression at home, the abolition party had advanced boldly into the halls of Congress and sought to establish its supremacy through the instrumentality of the national legislature. It had not yet ventured so far as to invoke that body to break up the internal organization of the state governments by passing a law to abolish slavery in the states; but it claimed for Congress a power which was but little less exorbitant and scarcely less dangerous to the slaveholding states, and urged its exercise with a zeal and perseverance that sufficiently attested the important influence that they expected it to exert towards the accomplishment of their ultimate purpose. This was the power to abolish slavery in the District of Columbia and in the territories of the United States and to suppress the slave trade among the states. These several measures were only so many links in the vast chain of contrivances, by which the Southern states were to be bound captives to the triumphant car of abolitionism. They were only a well arranged system of means to accomplish the ultimate end of carrying abolition into the states. However unfounded those pretentions might be in point of justice or constitutional law, recent events of an important character and, more especially, the conduct of Congress, during several of its late sittings, had given rise to the most serious alarms of the Southern people.

The people of the South, the preamble then asserted, had hitherto forborne to do more than complain in terms of gentle remonstrance and the spirit that had dictated those gentle measures of resistance appeared to have been mistaken for pusillanimity, or evidence of final submission. If so, it was a duty the people of the South owed their Northern brethren, as well as themselves, to undeceive them and to inform them, in respectful, but firm language, that further aggressions upon the rights of the South would not and could not be tolerated.

This the convention proceeded to do, in a most unmistakable manner, be resolving that slavery existed in the United States as a domestic institution over which Congress had no jurisdiction; that Congress had no power to abolish slavery in the District of Columbia or in the territories of the United States, or to pass any law to regulate or suppress the slave trade in the states, that the territories belonged alike to all the states and that any act of Congress that should impose unequal restrictions upon citizens of the slave states who might desire to emigrate to the territories would be unjust, invidious, unconstitutional and abhorrent; that Congress had no power to pass the Wilmot proviso in any legislation it might adopt in regard to the territories and that if the proviso were adopted, it ought to be resisted by all means and at all hazards.

Finally the convention resolved that, if the North should continue its scheme of aggression, insult, and outrage upon their property, their feelings, and their honor, they would feel it a sacred duty to prosecute such just measures of a counteracting character as might bring them peace and secure them in the enjoyment of their constitutional rights; that they cherished a sacred veneration for the union of the states as it existed by the terms and compromises of the constitution and that they would cling to it as the greatest safeguard of their rights and happiness; that they, therefore, sincerely regretted that the people of the North had "so repeatedly of late years, in their conduct and by solemn and deliberate resolutions, threatened to break down the proud pillars of this venerated fabric and to offer its fragments as a propitiatory sacrifice to the insatiate spirit of a wild fanaticism," and deemed it their duty to themselves and to their country to interpose, by prompt and decisive action, for arresting the further progress of measures that were pregnant with such fearful issues; and that they recommended to their fellow citizens throughout the state

that they lay aside all party feelings and joining hands around the holy altar of their common country, make common cause in one united bond of brotherhood, in the defense of their honor, their property, and their constitutional rights.[19]

The Whigs, on their part, as they met in their county primaries to select delegates to the Whig state convention, or the "Mississippi Taylor Convention" as the Whig press styled it, defended President

[19] Preamble and Resolutions of the Democratic Convention of the First Congressional District, Pontotoc, June 4, 1849. *The Organizer*, June 9, 1849.

Jacob Thompson, whom this convention renominated to his seat in Congress, in his letter of acceptance, also helps to reveal the forces impelling the Democratic leaders to further the Southern movement. He writes: "I am not unconscious of the fact that my experience in legislation has given me great advantages, but that very experience teaches me the importance and difficulty of the present crisis. A majority of the people of the United States give unmistakable evidence of their fixed determination to overthrow our domestic institutions; while our prosperity, our happiness, our country, all that we hold sacred in life, depend upon their preservation in their integrity and quiet enjoyment. A total abolition of slavery is the avowed object, yet cautiously do they approach this end in their legislative action. They begin the work with unconstitutional and unjust restrictions upon the people of the South in the far-off territories; this effected, then will follow with rapid step, the overthrow of slavery in the District of Columbia. There they propose to close the first chapter in the history of their aggressions, so far as the developments in Congress prove, and pause to witness their effect upon our people, and laugh at, and mock our contortions, our menaces, and our anticipated final submission. But with their purpose openly avowed, does any sane mind believe that this spirit can be propitiated and satisfied by a tame yielding to an acknowledged infraction of our rights? It is impossible. Will we leave to our children the task of resistance, a task which we had not the manliness and courage to perform ourselves? Because we know the history of the world demonstrates that a spirit of submission to wrong and injustice on the part of a nation or people, invites and begets a spirit of aggression and assault, in the minds of those clothed with power. The performance of the two first acts in this great drama, as I sincerely believe, will be attempted in the next Congress. Already a Vice-President is installed who pants for the honor to affix his signature to such bills. Already a candidate is designated by the party in power, for the Speakership of the House of Representatives, who will so arrange his committees as to bring forward in the most imposing form these disastrous measures. Already we have a cabinet surrounding the President of the United States, performing the whole of the executive duties, a majority of whom are eager for the enactment of the 'Wilmot Proviso' restriction. What then, under these circumstances, can your member in Congress hope to accomplish? To stand by and see the vitals of his constituents pierced through the shield of the constitution which is thrown around them is a melancholy and revolting task. Is there then no way of escape? I consider there is one and one only. It is to be found in the spirit of our people, in that kind of spirit which moved our fathers in other days—that spirit which is breathed in the fourth resolution adopted by your Convention with one simple amendment, which is consonant with all the resolutions adopted on this subject—'Resolved, That Congress has no power to pass the 'Wilmot Proviso' in any legislation she may adopt in regard to said Territories, and if the same is adopted, it ought to be' (and it shall be) 'resisted by all means and at all hazards'." Letter of Acceptance of Nomination to Congress from Jacob Thompson, Oxford, June 19, 1849, *The Organizer*, June 23, 1849.

Taylor from the attacks of the Democrats. They expressed full confidence in his honesty and devotion to the constitution and in his capacity to carry out the object for which he was elected and declared that it was illiberal and unfair for the Democratic press to judge his administration, since it had been in office only a few months.[20] They also declared it to be the duty of all lovers of law and order to discountenance disunionists wherever they might be found and to use all honorable means to elevate men to office who would use their energies to fraternize all interests of the Union and strengthen the bonds of the confederacy.[21]

The Whigs in the "Mississippi Taylor Convention," reflecting these sentiments expressed in the county conventions, declared, before taking up the subject of slavery, their love "for the Union, as the bond of peace and safety of the States, and of defense against foreign foes," and expressed the fullest faith that the "glorious Union" would be preserved "as well by the firmness and patriotism of General Taylor, in the exercise of all constitutional means, as by the good sense, intelligence and virtue of the people in every portion of our extended country—preserved as it was made, and as it is, with all its guarantees."

In regard to slavery, the Whig convention did not follow the course of the Democratic state convention in simply reaffirming the address and resolutions of the Central meeting; but it set forth the position of the Whig party in Mississippi at that time on the questions at issue between the sections, and revealed the motives impelling it to join the Southern movement by adopting a series of "Resolutions on the Institution of Slavery," in which, setting forth, to the fullest extent, the rights of the citizens of the slave states in regard to slave property in the territories, it denied the power of Congress or of the territorial legislatures to prohibit the citizens of the slave states from emigrating, with their property in slaves, into the territories, and asserted it to be the duty of Congress to protect them in the enjoyment of their slave property in the territories.[22]

By contrasting the resolutions of the Whig convention with the

[20] Taylor Meeting in Jasper county, *Natchez Weekly Courier*, June 26, 1849; Taylor Meeting in Adams county, *Ibid.*, July 2, 1849; Taylor Meeting in Franklin county, June 30, 1849, *Ibid.*, July 17, 1849.

[21] Taylor Meeting in Franklin county, June 30, 1849, *Ibid.*, July 17, 1849.

[22] Resolutions of the Mississippi Taylor Convention, *Ibid.*, July 24, 1849.

preamble and resolutions of the Democratic convention of the first congressional district, an excellent idea of the difference between the temper and the point of view of the Whigs and the Democrats in Mississippi in regard to the slavery issues may be obtained. The Whig resolutions are a calm, dispassionate statement of the rights of the citizens of the slave states in regard to slave property in the territories and give every evidence of having been written by a conservative group having great interests of property threatened by the influence of the anti-slavery sentiment in Congress and still more by the clash that might be precipitated between the anti-slavery element and the defenders of slavery who advocated extreme measures of defense. Therefore, they do not seek to promote the sentiment of bitterness and resentment already strong in the state; but they endeavor, rather, to allay all feelings of alarm by expressing the fullest confidence that the Union would be preserved with all the guarantees of the constitution unimpaired.

The preamble and resolutions of the Democratic convention do not reveal the same absorption in the interest of property shown by the Whig resolutions; neither do they go so far in the assertion of the rights of the owners of slave property in the territories. They deny the right of Congress to abolish slavery in the territories, but they do not make any assertion concerning the power of the territorial legislatures over slavery or the duty of Congress to protect it in the territories.[23] They display irritation and resentment at the charges

[23] The Democratic party in Mississippi did not advance to this position as early as the Whig. In the second congressional district, the power and duty of Congress to legislate for the protection of slavery in the territories was made an issue in this campaign, W. L. Harris, the Whig candidate, taking his position squarely on the resolutions of the Whig state convention on that subject and W. S. Featherston, the Democratic candidate, favoring the doctrine of non-intervention. The *Houston Patriot* of September 12, 1849, edited by J. A. Orr, denounced the opinion of Harris "as the most insidious and dangerous doctrine ever inculcated by a Southern man upon a Southern constituency." "Nothing can be clearer," it declared, "if Congress has the power to say that slavery shall exist in California, it certainly has the power to say that it shall not exist there. If it has the power to protect the slaveholder, it has certainly the power not to protect the slaveholder . . . . Yielding the power to legislate on this subject, we yield our constitutional defense against the passage of the Wilmot Proviso." In its issue of October 7, 1849, the *Houston Patriot*, contending further against what it called "Col. Harris' doctrine of congressional interference," asserted that the judiciary of the United States furnished "the safest and surest protection that can possibly be extended to the slaveholder."

The *Monroe Democrat*, August 11, 1849, in the same controversy, declared that

of the abolitionists and the stigma cast by them on the Southern states on account of slavery, and they tend to arouse a sentiment of resistance in the state both by their general tenor and by direct assertions concerning the course the South should pursue if the aggression on its rights should be continued.

The resolutions of both conventions, however, express a veneration for the Union and a desire on the part of the people of the state to cling to it as the greatest safeguard of their rights and their happiness; and clearly show that the Southern movement, in its beginning in Mississippi, was for the protection of Southern rights within the Union.

The state conventions of both parties having recommended the sending of delegates to the October convention, primary meetings were held in the counties by the parties either jointly or separately for the appointment of delegates, and opportunities were offered in these for the expression of differences of opinion as to the course that should be pursued in the convention. A discussion of "The Southern Meeting" in Adams county to select delegates to the convention provoked a controversy over the objects and power of that convention. Judge George Winchester, a Whig, stated, in the *Natchez Courier*, that if the object of the October convention were, upon the passage of the Wilmot proviso, to resist to the last extremity by resorting to war in the name of the sovereign people of Mississippi, the convention, not being legally constituted, had no such power; that it could only pass resolutions and draw up an address. But there were other means of preserving the Union and the constitution and the

---

"The power of Congress over Territories is, in our opinion, a very limited power. It extends to giving them a government and such political laws as are alone necessary to their protection. The municipal laws, laws of police and such others as are necessary to their protection by the constitution, are left in the hands of the people. They are the legitimate repositories of all such powers. Congress cannot divest them of the right, for the simple reason it lacks the constitutional authority."

Again in its issue of October 24, 1849, the *Monroe Democrat* asserted that "any appeal to Congress which recognizes the necessity of express legislation to protect the South in her rights is equivalent to an admission that the South stands in the Confederacy not as an equal but as a dependent upon the justice of Congress. Let the opinion but spread that Southern property requires legislation beyond that which is required for any other property, where both are recognized and protected as property by the common Constitution, and we of the South will have reached that point of dependence to which Northern Abolitionism has been for years urging us. . . . . Such is the position of Mr. Harris." *Natchez Daily Courier*, August 20, 1859.

rights, honor, and safety of the Southern states as equal members of the Union, he asserted, than either "submission to the Wilmot Proviso," or "resistance to the last extremity by the last resort of kings" and the October convention would recommend other means.[24]

The *Mississippi Free Trader* declared that the devotion of the judge to the Union should certainly be commended, but that his devotion should not lead him in submission to the feet of the free soilers and the abolitionists. It would be sheer nonsense and humiliating in the extreme to hold a state convention and adopt resolutions vindicating their rights, and then when the crisis came, vilely surrender them for the preservation of the Union. That was not the way to defend and preserve the Union, for there could be no Union among states where the minority were unequal and their rights unacknowledged and unrespected. A Union like that was not worth preserving and a large majority of the Southern people were sensible of the fact. The editor of the *Free Trader* declared:

> We are no disunionists and are as devotedly attached to the Union as any man can possible be, but we do not concieve ourselves called upon, morally or politically, to surrender our dearest rights, and our prosperity, for its preservation. Our fathers surrendered nothing when they formed the constitutional compact, and and when that compact is madly violated, why should we submit to wholesale robbery merely for the sake of the Union—a Union founded upon our disgrace? We are for maintaining the Constitution *As It Is*. We will not consent that Northern men shall violate it with impunity. We are for the Union as it is. . . . . We take no single step—we move not a single inch—we utter no threat—but in defense of the Union. If the constitution is violated the North will be wholly and entirely responsible for all the consequences which ensue.[25]

Continuing this discussion, the *Free Trader* disclosed the division in the Southern movement that would result in its disruption by declaring that it was evident that certain prominent men in the state were determined to cover up their abandonment of Southern rights by crying "disunion." It declared that the test question that should be put in selecting delegates to the convention was, "Are you willing to submit, Should Congress abolish Slavery in the Territories, or prohibit its introduction into any of the Territory acquired from Mexico?—for the Convention does not meet to submit, but to resist to the last extremity the Wilmot proviso, and to denounce indignantly

---

[24] *Natchez Weekly Courier*, September 19, 1849.
[25] *Mississippi Free Trader*, September 12, 1849.

its reckless advocates. The South has conceded enough for the sake of the Union."[26]

Although the "politicians" of Mississippi were accused of declaiming loudly on the subject of resistance and yet evincing a notable timidity to pledge themselves to a definite plan of action,[27] the leaders of the state were carefully formulating a definite program to be carried out in the October convention. Believing that the success of the Southern movement depended upon its support by all the Southern states, they corresponded with the leaders of the movement in the other states to ascertain what their opinions were both as to its general course, and as to the action that should be taken by Mississippi in the October Convention.[28] The Mississippi leaders naturally turned with the greatest confidence to the one whose devotion to the interests of his section had made him the great spokesman of Southern rights. Calhoun, since the days of nullification, had perceived the inevitable conflict between the economic and social organizations of the two sections and had worked both to unite the South in defense of its interests and to devise some way, if possible, to protect those interests within the Union. In this crisis, he saw little prospect of arresting the aggressions of the North and was under the impression that the time was at hand when the South had to choose between disunion and submission; but he thought if anything could arrest those aggressions, it would be for the South, with an unbroken front, to present, without delay,

---

[26] *Mississippi Free Trader.* September 12, 1849. The *Free Trader* tried to swing the Whigs into line in the Southern movement or to destroy their influence in the state by quoting Horace Greeley in the *New York Tribune* to the effect that the Southern Whigs would be party neither in word nor in deed to any attempt to divide the Union because of the exclusion of slavery from the new territories, that they knew well that such exclusion was a fixed fact and were fully resolved not to sever the Union on account of it, and that at least half of them would not have slavery extended if they could and resisted the Wilmot proviso strenuously only because they deemed such enactment a needless irritation of their constituents and not because they expected or wished to extend slavery. Furthermore, the *Free Trader* asserted that the whole Whig press of the North thought the Southern Whigs unsound on the slavery question and that the way for them to convince their Democratic friends in the South that they were misrepresented was to meet in the convention and take a decided and open stand for Southern rights and Southern institutions. If the South were united in defense of their rights they could be sustained, if not they would be trampled on. *Mississippi Free Trader*, September 5, 1849.

[27] Letter of Geo. Calhoun to Messrs. Fall and Marshall, Editors of the *Mississippian*, Jackson, Miss., September 10, 1849. *Claiborne Correspondence*, State Archives, Jackson, Miss.

[28] Speech of Foote, *Cong. Globe*, 32 Cong., 1 Sess., 134–135.

to the North, the alternative of dissolving the partnership or of ceasing to violate the rights of the South. For this purpose, he urged upon his friends in the Southern states, during the spring and summer of 1849, the calling of a Southern convention, for only in that way could the South as a whole present authoritatively its demands to the North.[29]

To the Mississippi leaders who appealed to him he gave the same advice. In a letter to Collin S. Tarpley,[30] who sent him a copy of the proceedings of the Central meeting in May and asked him for his opinion as to the course that should be adopted by the state convention in October, he gave very explicit directions as to what should be done in that convention. He wrote:

> In my opinion there is but one thing that holds out the promise of saving both ourselves and the Union, and that is a Southern Convention; and that, if much longer delayed, cannot. It ought to have been held this fall, and ought not to be delayed beyond another year. All our movements ought to look to that result. For that purpose every Southern State ought to be organized with a central committee and one to each county. Ours is already. It is indispensible to produce concert and prompt action. In the meantime, firm and resolute resolutions ought to be adopted by yours and such meetings as may take place before the assembling of the Legislature in the fall. They, when they meet, ought to take up the subject in the most solemn and impressive manner. The great object of a Southern Convention should be to put forth, in a solemn manner, the causes of our grievances in an address to the other states, and to admonish them in a solemn manner as to the consequences that must follow, if they should not be redressed, and to take measures preparatory to it in case they should not be. The call should be addressed to all those who are desirous to save the Union and our institutions, and who, in the alternative (should it be forced on us) of submission or dissolution would prefer the latter, No State could better take the lead in this great conservative movement than yours. It is destined to be the greatest of sufferers, if the abolitionists should succeed; and I am not certain but by the time your convention meets, or at furthest your Legislature, that the time will have come to make the call.[31]

In a letter to Henry S. Foote, dated August 2, 1849, Calhoun practically repeated his advice to Tarpley.[32] These letters and, at least,

---

[29] Letter of Calhoun to John H. Means, Fort Hill, April 13, 1849, *Calhoun Corresp.*, 764; Letter of Calhoun to Andrew Pickens Calhoun, Fort Hill, July 24, 1849, *Ibid.*, 769.

[30] Collin S. Tarpley was an eminent lawyer in Mississippi and was appointed, in 1851, to succeed Chief Justice Sharkey on the Supreme bench. He was an ardent Democrat and an enthusiastic supporter of Southern rights.

[31] Letter of Calhoun to Colonel Tarpley, of Mississippi, Fort Hill, July 9, 1849, *Cong. Globe*, 32 Cong. 1 Sess., Appx., 282, or *National Intelligencer*, June 6, 1850.

[32] Letter of Calhoun to Henry S. Foote August 2, 1849, *National Era*, June 12, 1851.

In this letter to Foote, Calhoun urges the calling of the Southern convention by the Mississippi convention more than he had in his letter to Tarpley. "The

one other from Calhoun to Foote were shown to both Whigs and Democrats who would shape the policy of the October convention.[33] Although the influence of Calhoun was kept secret[34] because of the general opinion, due to the popular view of his part in nullification, that any measure in which he took the initiative must partake of the nature of disorganization and the consequent unwillingness to follow him,[35] his suggestions, outlining as they did the course that public sentiment in the state was prepared to approve, were closely followed in the convention.

The October convention met on the appointed day and, although it was not unanimously supported by the people of the state, since a portion of the community thought that the movement was premature and that it would be better to wait until Congress had acted, most of the counties of the state sent delegates and both the great political parties were equally represented.[36] Chief Justice Sharkey was chosen president and a committee was appointed to draw up resolutions.

The resolutions reported by this committee and adopted by the convention are of great interest both as the first formal expression by the state of Mississippi on the questions at issue between the sections and as marking an important advance in the Southern movement as a whole. In the preamble of the resolutions, the convention set forth the causes of the Southern movement and the principles upon which the resolutions were based. It was boldly asserted, they declared, that Congress possessed unlimited power of legislation over all the territories belonging in common to the people of the United States, that it, consequently, had power to prohibit slavery in the territories, and that the exercise of such power was expedient and

---

call ought to be accompanied by an address, briefly stating the ground for making it," he writes. "I trust your Convention will make the call. It could come from no better quarter. Your State is the center of the southern portion of the great valley of the Mississippi; more deeply, if possible, interested than any other, and would be less likely to excite a feeling of jealousy than if it came from this or any of the older States. If your Convention should take the stand, and recommend at the same time a general organization of the Southern States, I would agree to underwrite the consequences. Among your other advantages, the Whig party would more fully unite in the call in any other State but this."

[33] Letter from Henry S. Foote to Calhoun September 25, 1849, *Calhoun Corresp.*, 1204; Letter from A. Hutchinson to Calhoun, October 5, 1849, *Ibid.*, 1206.

[34] *Ibid.*, 1206.

[35] *Mississippi Free Trader*, February 10, 1849.

[36] Speech of William L. Sharkey in Vicksburg, October 8, 1850, *Hinds County Gazette*, October 31, 1850.

necessary in as much as slavery was an evil which must be eradicated from the land. With a few patriotic and honored exceptions, they asserted, the people of the Northern states seemed determined to adopt the Wilmot proviso, or the principle it contained. Every succeeding year brought forth new expedients for the accomplishment of that object, and the press, the pulpit, and the ballot box had all become tributary to the fanatical hostility against the South. It was vain to hope for an abandonment of their settled design. Submission only provoked perseverence on the part of the aggressors and it was wise in states, as it was in individuals, to resist encroachments. In the unfortunate controversy there were but two alternatives: the one was submission and the other resistance. To the one they could not, they would not, consent; the other they were reluctant to adopt.

In the name of their constituents, they solemnly denied the existence of the power in Congress to exclude slavery from the territories, protested against its exercise, and asserted that it would violate the constitution and lead to a dissolution of the Union. They declared that the states were sovereign, that the federal government possessed only such powers as were granted to it by the constitution, with such limited powers as might be indispensably necessary as incidents to the express grant, and that consequently, it could legislate only on the subjects confided to it, and on them only in strict subordination to every principle of the constitution.

They asserted that the territories acquired from Mexico were the common property of the United States and that the people of the states had a right to move to them and to take with them their property, their religion, and their liberty. They also added that Congress did not create property in slaves nor could it say that they should cease to be property, that to abolish slavery in the territories was to diminish their value and to appropriate the whole of the territories to the use of one portion of the people of the United States to the exclusion of another, and finally that the power of Congress to legislate for the territories was power to protect the citizen and his property and not to declare what was property.[37]

The resolutions that this preamble introduced became the basis of the Southern movement in Mississippi and the platform on which

[37] Preamble of "The State Rights Convention," *Mississippi Free Trader*, October 10, 1849.

all parties in the state professed to stand throughout the controversy and are, therefore, among the important documents of this crisis. They read as follows:

1. Resolved, That we continue to entertain a devoted and cherished attachment to the Union, but we desire to have it as it was formed and not as an engine of oppression.

2. That the institution of slavery in the Southern States is left, by the constitution, exclusively under the control of the States in which it exists, as a part of their domestic policy, which they, and they only, have the right to regulate, abolish or perpetuate, as they may severally judge expedient; and that all attempts, on the part of Congress, or others, to interfere with this subject, either directly or indirectly, are in violation of the Constitution, dangerous to the rights and safety of the South, and ought to be promptly resisted.

3. That Congress has no power to pass any law abolishing slavery in the District of Columbia, or to prohibit the slave trade between the several States, or to prohibit the introduction of slavery into the territories of the Unites States; and that the passage by Congress of any such law, would not only be a dangerous violation of the constitution, but would afford evidence of a fixed and deliberate design, on the part of that body, to interfere with the institution of slavery in the States.

4. That we would regard the passage by Congress, of the "Wilmot Proviso" (which would, in effect, deprive the citizens of an equal participation in the territories acquired equally by their blood and treasure) as an unjust and insulting discrimination—to which these States cannot, without political degradation, submit; and to which this Convention, representing the feelings and opinions of the people of Mississippi, solemnly declare they will not submit.

5. That the passage of the Wilmot Proviso, or of any law abolishing slavery in the District of Columbia, by the Congress of the United States, would of itself, be such a breach of the federal compact as, in that event, will make it the duty, as it is the right of the slaveholding states, to take care of their own safety, and to treat the non-slaveholding States as enemies to the slave-holding States and their domestic institutions.

6. That the Legislature is hereby requested to pass such laws as may, in their opinion, be best calculated to encourage the emigration of citizens of the slave-holding States, with slaves, to the new territories of the United States.

7. That, in view of the frequent and increasing evidence of the determination of the people of the non-slave-holding states to disregard the guarantees of the constitution and to agitate the subject of slavery; both in and out of Congress, avowedly for the purpose of effecting its abolition in the States; and also, in view of the facts set forth in the late "Address of the Southern Members of Congress," this convention proclaims the deliberate conviction that the time has arrived when the Southern States should take counsel together for their common safety; and that a convention of the slave-holding States should be held at Nashville, Tenn, on the 1st MONDAY IN JUNE next, to devise and adopt some mode of resistance to these aggressions and that this Convention do appoint twelve delegates and twelve alternates—being double the number of our Senators and Representatives in Congress —to attend such convention, and that the other slave-holding States be invited to appoint delegates agreeably to the same ratio of representations.

8. In the language of an eminent Northern writer and patriot—"The rights of the South in African service exists not only under but over the Constitution. They existed before the government was formed. The Constitution was rather sanctioned by them than they by the Constitution. Had not that instrument admitted the sovereignty of those rights, it never would have been itself admitted by the South. It bowed in deference to rights older in their date, stronger in their

claims, and holier in their nature, than any other which the Constitution can boats. Those rights may not be changed—even by a change of the Constitution. They are out of reach of the nation, as a nation. The confederacy may dissolve and the Constitution pass away, but those rights will remain unshaken—will exist while the South exists—and when they fall, the South will perish with them."

9. That to procure unity and promptness of action in this State, this Convention recommends that a central or State association be formed at the capital, and affiliated county associations within the several counties in the State.

10. That we recommend to the Legislature of this State, that at its next session, a law be enacted making it the duty of the governor of the State, by proclamation, to call a general Convention of the State, and to issue writs of election based upon the ratio of representation in the State Legislature, upon the passage by Congress of the "Wilmot Proviso," or any law abolishing slavery in the District of Columbia, or prohibiting the slave trade between the states, to take into consideration the act of aggression, and the mode and measures of redress.

11. That a committee of six be chosen by the Convention to prepare an address to the people of the slaveholding States.[38]

These resolutions embodied the utmost joint action that could be obtained in the convention. A resolution was reported to the convention by the committee on resolutions, declaring that the passage of a law admitting California into the Union at the next session of Congress, under a constitution made by the population of California at that time, would be a fraud upon the slave states and should be resisted by them.[39] But it was strongly protested against in a report made by a minority of the committee,[40] and met with so much opposition in the convention that it was withdrawn.[41]

The difference of opinion in the convention in regard to the admission of California clearly reveals the division in the state, in regard to the demands that should be made on Congress, that was finally to divide the South and make the Compromise of 1850 possible. The minority of the committee on resolutions declared in regard to the resolution on California reported from the committee that no such question had been before the people of the state, or of any other of the slave states, so far as they were aware. Nor did they believe that it would be concurred in by the people of Mississippi of either party, much less by the people of all the slave states; and that to make such an act of Congress an issue between the non-slave states and the

---

[38] *Mississippi Free Trader*, October 10, 1849.

[39] Minority Report of the State Rights Convention, *Ibid.*, October 6, 1849.

[40] *Ibid.*

[41] Speech of W. L. Sharkey at a Union Meeting in Vicksburg, October 8, 1850, *Hinds County Gazette*, October 31, 1850. Letter of A. Hutchinson to Calhoun, Jackson, October 5, 1849, *Calhoun Corresp.*, 1206.

slave states, upon which united resistance by the latter was to be made on the ground of fraud in the former in the exercise of constitutional power, would be to place the slave states upon a less lofty attitude of clear and indisputable right than that which they held on the question of unconstitutional laws that immediately or remotely attacked the relative social inequalities of master and slave and the social and political existence of the slave states as states.[42]

According to the resolutions, delegates were appointed by the convention to represent the state in the Nashville convention and a committee of six, consisting of W. L. Sharkey, A. Hutchinson, Geo. Winchester, C. R. Clifton, W. R. Hill, John I. Guion, and E. C. Chambers, selected to prepare an address to the slave holding states.[43]

"The Address to the Southern States" issued by this committee expressed the determination of the South to preserve the Union, if it were possible, clearly set forth the dangers threatening the slaveholding states, resolutely maintained their right to resist those dangers, and unhesitatingly faced the fact that those states might, in the last resort, be driven to provide for the formation of a separate union to protect their liberties and rights.[44]

The last point in the address received much attention, during this controversy, as the first formal expression in Mississippi looking to secession as a final resort in defense of slavery. In regard to it, the address declared:

> Besides and beyond a popoular convention of the Southern States, with the view and the hope of arresting the course of aggression, and, if not practicable, then to concentrate the South in will, understanding, and action, the convention of Mississippi suggested, as the possible ultimate resort the call by the legislatures of the

---

[42] Minority Report of the State Rights Convention, *Mississippi Free Trader*, October 6, 1849.

The minority report was signed by three Whigs, Thomas A. Dabney, George Winchester, and John I. Guion and to it was attached three separate agreements in the protest it contained. Above his signature, A. C. Bainer declared that he agreed in the protest fully, as to the impropriety of the resolution, without expressing any opinion as to any abstract principle the protest might contain; S. H. Johnson simply wrote that he also agreed in the above protest; and J. C. McAlpin asserted that he agreed to the above protest and objected to the legislature's passing any law indemnifying any slaveholder in emigrating to any of the new territories.

[43] *Ibid.*, October 10, 1849.

[44] *National Intelligencer*, April 27, 1850.

The address was signed by A. Hutchinson, G. Winchester, W. R. Hill, W. L. Sharkey, C. R. Clifton, John I. Guion, E. C. Wilkinson. Sharkey stated later that he did not write the address, but that it was written by a distinguished citizen of Mississippi. It is reasonable to infer that Anderson Hutchinson wrote it.

assailed States, of still more solemn conventions—such as should be regularly elected by the people of the States—to deliberate, speak, and act with all the sovereign power of the people. Should, in the result, such conventions be called and meet, they may lead to a like regularly constituted convention of all the assailed States, to provide, in the last report, for their separate welfare by the formation of a compact and a union that will afford protection to their liberties and rights. In such a crisis, in the language of Mr. Madison, 'one spirit will animate and conduct the whole.' [45]

Through the proceedings of the October convention of 1849 and the address to the Southern states issued by its instructions, the citizens of Mississippi had, at length, declared the position of the state on the questions at issue between the sections. Furthermore, they had contributed greatly to the progress of the Southern movement and definitely committed the state of Mississippi to its support, by taking the step, so long planned by leaders of the South, of calling a convention of the slaveholding states to be held in Nashville, on the first Monday in the following June, to devise and adopt some mode of resistance to aggressions against their rights, and by appointing delegates to represent the state in that convention.

[45] *National Intelligencer*, April 27, 1850.

CHAPTER IV.

THE DEMANDS OF THE SOUTH

The progress of sentiment in favor of resistance to the enactment by Congress of legislation opposed to slavery is indicated in Mississippi, as elsewhere in the South, in the state elections in the autumn of 1849. The Democratic party had first advocated the Southern movement, and although the Whig party had been forced into line, the Democrats were more unanimous in their support of the movement and more extreme in their demands than the Whigs. The position of the two parties on the questions connected with slavery was made the main issue in the campaign and, in the elections, the people of Mississippi decided overwhelmingly in favor of that of the Democratic party. Its candidate for governor, General Quitman, received almost 10,000 more votes than the Whig candidate, Luke Lea;[1] an entire Democratic delegation was returned to Congress;[2] and an overwhelmingly Democratic majority was secured in both branches of the legislature.[3]

The *Mississippi Free Trader* joyously greeted the Democratic victory as a rebuke of the submission of the Whig press and their candidates for Congress to the enactment of the Wilmot Proviso, and their surrender to the Free Soilers. It declared that if Luke Lea and the Whig candidates for Congress had been elected, the

---

[1] *Senate Journal*, 1850, 314–315. Quitman received 33,117 votes; Lea, 22,996. It is true that General Quitman was a strong opponent of the Whig candidate. The Whig state convention had recognized in him "the gallant soldier, the upright gentleman, and an early and unflinching advocate of the payment of the Planters' and the Union Bank Bonds" and declared that "next to the election of their own nominee, they would hail his election as the best evidence of reform, both in taste and principles, of the Democratic party of the State of Mississippi." Resolutions of the Mississippi Taylor Convention, *Natchez Weekly Courier*, July 24, 1849.

[2] Brown, Featherston, and Thompson were reëlected and McWillie was elected in the 3rd Congressional district in place of Tompkins, a Whig.

[3] In the Senate there were 20 Democrats and 10 Whigs; in the House 62 Democrats and 36 Whigs, *Mississippi Free Trader*, November 28, 1849.

whole North would have resounded with rejoicing that Mississippi had refused to array herself with the South in defense of her honor and her rights and had declared in favor of abject submission to the will of a ruthless and tyrannical majority; but that the election of Quitman was a great Southern triumph by which Mississippi placed herself in "Bold Resistance to the Wilmot Proviso and Kindred Measures, at all Hazards and to the Last Extremity" and pronounced in tones of thunder her condemnation of the dynasty at Washington and her firm determination to support her rights to the last extremity.[4]

In the other Southern states, also, the growing feeling of alarm resulted in the triumph of the Democratic party on the slavery issues. In Kentucky, George A. Caldwell, a Democrat, defeated Aylett Buckner, a Whig, for Congress on the issue of a speech made by Buckner in the House, declaring the Wilmot proviso a proper measure.[5] In Tennessee, according to the *Nashville Union*, the course of Taylor in placing in his cabinet two furious abolitionists and two others whose views coincided with the more moderate Free Soilers, and in throwing away his veto power by a pledge, forced his friends in Tennessee to abandon him or accept submission to the Wilmot proviso, which they knew he would carry out in practice. Under the leadership of John Bell, they did the latter. Neil S. Brown, the Whig candidate for governor, staked his election on the issue tendered in the Democratic convention, of resistance to the Wilmot proviso and denounced resistance as leading to disunion. In the election Bell and Brown received a most signal rebuke and General William Trousdale was elected governor.[6] In Georgia, the Whigs lost control of the legislature, which they had held since 1843, and, in November, surrendered the entire management of the state to the Democrats.[7] In Alabama, the Whigs made no opposition to the election of Collier, the Democratic candidate for governor, and the Democrats captured the lower house of the legislature by a large majority and cut the Whigs' majority in the Senate down to one.[8]

---

[4] *Mississippi Free Trader*, November 10, 1849.
[5] *New York Semi-weekly Tribune*, August 1, 1849.
[6] *Nashville Union*, August 6, 1849. Quoted in the *New York Semi-weekly Tribune*, August 18, 1849.
[7] *National Intelligencer*, October 25, 1849.
[8] *New York Semi-weekly Tribune*, November 24, 1849.

These successes of the Democratic party indicated, unmistakably, a progress of public sentiment in the South in favor of resistance, and a bolder tone was taken by the state administrations. Governor Trousdale of Tennessee, in his first message to the legislature, declared it to be the duty of Tennessee to proclaim to the North its unalterable purpose to maintain its rights "at all hazards and to the last extremity."[9] Governor Towns of Georgia recommended to the legislature to make provision for the calling of a convention of the people if the Wilmot proviso or any act forbidding slavery or the slave trade in the District of Columbia were passed by Congress.[10] The retiring governor of Alabama, also, made the same recommendation to the legislature of that state and, in addition, advised that provision should be made for the Southern states uniting in a general convention in such contingency.[11]

The rising tide of alarm in the South, which was revealed in the success of the Democratic party and the tone of the new state administrations, was due to the grave fears that the slaveholding states were coming more and more to entertain for their interests during the next session of Congress. The popular addresses and the resolutions of conventions with which nearly the whole press of the Northern states was teeming forced the Southerners to discard, as utterly fallacious, the opinion that the abolitionists were a contemptible faction, few in number and powerless in influence. This and the still more alarming fact that a large number of states, in the solemn form of legislative resolves, had instructed their representatives in Congress to press forward measures calculated, in the opinion of the South, to effect an entire change in the relations then existing between the two distinctive classes of Southern population, thoroughly aroused the people of that section to the necessity of considering the best means of protecting their domestic safety.[12]

In addition, Southerners felt that they could no longer trust the Senate to protect their interests, for the defection of Benton of Missouri and Houston of Texas left the South in a minority in that body and the senators from the free states who had hitherto sustained the

[9] *New York Semi-weekly Tribune*, November 3, 1849.
[10] *National Era*, November 29, 1849.
[11] *New York Semi-weekly Tribune*, November 28, 1849.
[12] *Mississippi Free Trader*, December 15, 1849.

South were for the most part constrained by instructions either to oppose Southern demands or to resign their places.[13]

Nor could the South hope for any protection from the executive branch of the government. Taylor had, in advance, virtually repudiated the exercise of the veto power, and, besides, the cabinet was under the dominance of the Northern Whigs and the influence of Seward was growing strong over the administration. In addition, soon after the beginning of his administration, Taylor had sent Thomas Butler King, of Georgia, to California to induce the people of that territory to draw up a state constitution and then petition Congress for admission into the Union; and it was generally believed that the influence of the administration would be used, during the next session of Congress, to secure the admission of California and New Mexico as states and by that circuitous mode gain the object of the "Provisorists" and cheat the South of its rights.[14]

Influenced by all these reasons and, no doubt, also by the severe rebuke that had been administered to their party, in the state elections, for the backwardness of its position on the questions at issue between the two sections, the Whig members of Congress from the South were ready, at the beginning of the first session of the thirty-first Congress, to unite with the Southern Democrats in defense of Southern rights. The members of both parties were convinced that entire unanimity, strong determination, and skillful parliamentary tactics would be necessary for the minority to win in the great parliamentary game they were to play that winter in Washington. Accordingly their first move was to set forth the position of the two parties and to proclaim to their opponents their intention to act in concert in support of that position. This was done in the correspondence, published in the *Washington Union*, the organ of the Democratic party in Washington, and the *National Intelligencer*, the Whig organ, between H. S. Foote a Democratic Senator from Mississippi, the state in which both parties had united in taking an advanced position in regard to the slavery issues and in which the Democrats had control, and Thomas L. Clingman, a Whig representative from North Carolina, a Southern state in which the Whigs still were dominant.

---

[13] *Mississippi Free Trader*, December 15, 1849.

[14] Letter from H. V. Johnson to Calhoun, Milledgeville, Ga., July 20, 1849, *Calhoun Corresp.*, 1197; Letter from H. S. Foote to Calhoun, Warrenton, September 25, 1849, *Calhoun Corresp.*, 1204.

The object of Foote's letter to Clingman was to obtain from him, as "a prominent member of the Whig party," an expression of the probable action of his associates in the South if bills for the enactment of the Wilmot proviso and the abolition of slavery in the District of Columbia were passed in the next Congress, so that the North might be convinced that the South would not patiently acquiesce in either of those aggressions, and put a stop to the activity of the "agents of sedition" who were trampling "the sacred provisions of the constitution under foot" and embroiling "the Legislative councils of the nation in unseemingly and wicked controversy," and thus prevent the Union from being put in serious jeopardy.[15]

Clingman replied to Foote that the exclusion of slaveholders, as such, from all the territories of the United States would be an entire revolution in the action of the government; that even if there should be power to divide the public territory for convenience between the slaveholding and the non-slaveholding citizens of the United States, it was perfectly clear that there could be no right to exclude one class entirely, and that such an exclusion would be as great a violation of the constitution as the government could possibly commit. He added:

> In a word, if the Government should adopt the policy of excluding slaveholders, as such from all the territory of the United States, it would in substance and effect cease to the the Government of the United States. While the form of the constitution might remain the same, its character would be essentially changed.

This change, Clingman held, the Southern states owed it to the cause of constitutional liberty, to justice, and to their own honor to resist.

With reference to the abolition of slavery in the District of Columbia, he declared that, if such an event were to occur at that time, it would not take place in obedience to the wishes of the citizens of the district and that Congress would, therefore, be guilty of an act of tyranny so insulting and so gross as to justify a withdrawal of confidence from such a government.

Clingman declared that, if Congress should pass the Wilmot proviso or prohibit slavery in the District of Columbia, the union of both parties in Mississippi was a type of what would occur elsewhere; that he had no doubt but that over the entire South there would be a vastly

---

[15] Letter of Foote to T. L. Clingman, of North Carolina, November 10, 1849, *Mississippi Free Trader*, December 8, 1849.

greater unanimity than existed in the old thirteen slave states when they decided to resist British aggression; and that long before the struggle should come to the worst the South would present an unbroken front.[16]

These letters, coming from a Democrat and a Whig, were hailed by the *Washington Union* as evidence of the attitude the slaveholding states would maintain if the Wilmot proviso were passed[17] and, without doubt, they reflected the sentiment of the two parties in regard to the slavery issues. The people of the South were united in the demand that Congress should not pass the Wilmot proviso or abolish slavery in the District of Columbia; and, though the public meetings, the press, and the political leaders were all careful to state that the object of the South in resisting these measures was to preserve the Union and the Constitution, the committee appointed by the October convention in Mississippi to draw up an address to the Southern states had not hesitated to declare that it might be necessary for the Southern states to provide, in the last resort, for their separate welfare by the formation of a compact and a union that would afford protection to their liberties and rights. Such was the public sentiment of the South at the opening of Congress, December 3, 1849.

There was every indication that that session of Congress would be a stormy one and there was no telling what would be the end. Calhoun declared:

> The South is more united than I ever knew it to be, and more bold and decided The North must give away, or there will be a rupture.[18]

Both Alexander H. Stephens and Henry Clay bear testimony to the strength of the disunion sentiment among the Southern members of Congress.[19] The Southern Whigs, convinced that the Northern Whigs were determined to yield nothing and intended to carry aboli-

---

[16] Letter of Clingman to Foote, November 13, 1849, *Mississippi Free Trader*, December 8, 1849. In a postscript, Clingman stated that the letter had been submitted to Senator Mangum, of North Carolina, and that he concurred fully in all its general conclusions.

[17] *National Era*, November 22, 1849.

[18] Letter of Calhoun to Thomas G. Clemson Washington, December 8, 1849. *Calhoun Corresp.* 776.

[19] Letter of Alexander H. Stephens to his brother, December 5, 1849. Johnson and Browne, *Life of A. H. Stephens*, 239. "I find," Stephens wrote, "the feeling among Southern members for a dissolution of the Union—if anti-slavery [measures] should be pressed to extremity—is becoming much more general than at

tion anywhere they could by the constitution,[20] threw themselves whole-heartedly into the contest and together with the Southern Democrats sought to overcome the superiority of the North in numbers by their zeal, audacity, and skill in parliamentary tactics.

The struggle between the two sections was precipitated immediately over the question of the organization of the House. In the caucus of the Whigs of the House to nominate a speaker, Toombs, of Georgia, offered a resolution declaring that Congress ought not to pass any law prohibiting slavery in the territories of California and New Mexico or abolishing slavery in the District of Columbia;[21] and on the rejection of the resolution six Southern Whigs left the caucus.[22]

The Whigs nominated Winthrop, of Massachusetts, for speaker, and the Democrats put forward Howell Cobb, of Georgia. But the Free Soilers holding the balance of power in the House and refusing to vote for either, the balloting was continued for nearly three weeks without either candidate's obtaining a majority. The Democrats, at length, threw their votes to Brown, of Indiana, and it seemed

---

first. Men are now beginning to talk of it seriously, who, twelve months ago, hardly permitted themselves to think of it."

Letter of Clay to Leslie Combs, Washington, December 22, 1849. *Private Corresp.*, 593. Clay wrote that "The feeling for disunion among some intemperate Southern politicians, is stronger than I hoped or supposed it could be. The masses generally, even at the South, are, I believe sound; but they may become influenced and perverted."

[20] Letter of Stephens to his brother, December 3, 1849, Johnston and Browne, *Life of A. H. Stephens*, 238.

[21] The Whig Caucus, *Mississippi Free Trader*, December 22, 1849.

Toombs wrote to J. J. Crittenden, April 25, 1850, "When I came to Washington, I found the whole Whig party expecting to pass the proviso, and that Taylor would *not veto it*, and thereby the Whig party of the North were to be built up at the expense of the Northern Democracy, who from political and party considerations, had stood *quasi* opposed to the proviso. I saw General Taylor and talked fully with him, and while he stated he had given and *would give* no pledges either way about the proviso, he gave me *clearly* to understand that if it was passed he would sign it. My course became instantly fixed. I would not hesitate to oppose the *proviso*, even to the extent of a dissolution of the Union. I could not for a moment regard any party considerations in the treatment of the question. I therefore determined to put the test to the Whig party and abandon its organization upon its refusal. Coleman, *Life of John J. Crittenden*, I, 365.

[22] Letter of Stephens to his brother, December 2, 1849. Johnston and Browne, *Life of A. H. Stephens*, 237; *National Era*, December 13, 1849.

According to the *National Era* these were Stephens, Toombs, Cabell, Martin, Hilliard, and Owens. Stephens says there were some others. In giving an account of the meeting, Stephens declared that his Southern blood and feelings were up, and that he felt as if he were prepared to fight at all hazards and to the last extremity in vindication of the honor and the rights of the South.

certain that he would be elected; but the Southern representatives discovered that he had made terms with the Free Soilers and indignantly rejected him. During the stormy debate that followed, Toombs made his oft-quoted speech, avowing that, if Congress by its legislation sought to drive the South from the territories of California and New Mexico and to abolish slavery in the District of Columbia, he was for disunion and, if his physical courage were equal to the maintenance of his convictions of right and duty, he would devote all he was and all he had on earth to its consummation.[23] This speech was loudly applauded together with that of Stephens in which he announced his concurrence in every word of Toombs and declared the Union dissolved from the day in which aggression was consummated upon any section of the country.[24] Colcock, of South Carolina, in his turn, added to the excitement by pledging himself, if any bill should be passed at that Congress abolishing slavery in the District of Columbia or incorporating the Wilmot proviso in any form, to introduce a resolution in the House "declaring in terms, *that this Union ought to be dissolved.*"[25]

According to Stephens, the "great row" gotten up by him and Toombs shook the country from one end to the other and the Northern Whigs, "feeling great pressure from home, and fearing they would be compelled to yield their sentiments and come to a full and final settlement of the question, caved in and let Cobb be elected speaker."[26] However that was, after scenes of the wildest disorder, the House agreed to the election of a speaker by a plurality vote and Cobb was elected on December 23. The South had won the first move in the game and also made sure the committees of the House would be organized in a way favorable to its interests.

As soon as the speakership was settled, the slavery question was introduced into Congress in the one form in regard to which the people of the South had not been able to come to an agreement as to their policy. In his message, December 24, 1849, the president informed Congress that, from his latest advices, he had reason to suppose

[23] *Cong. Globe*, 31 Cong. 1 Sess., 28.
[24] *Ibid.*, 29.
[25] *Ibid.*
[26] Letter from Stephens to his brother Linton, April 15, 1850. Waddell, *Biographical Sketch of Linton Stephens*, 100. Quoted in Von Holst, *Constitutional History of the United States* III, 473.

that California had framed a state constitution and would shortly apply for admission into the Union; and recommended its application to the favorable consideration of Congress.[27] As it was well known that the constitution which California had formed excluded slavery, the Southern members of Congress were, thus, at the very beginning of the session, brought face to face with the question of what should be their policy with reference to the exclusion of slavery from California by its admission into the Union as a free state.[28]

Though the application of California for admission into the Union under a constitution excluding slavery had been foreseen since the early summer, no Southern state had declared its position on the question and what should be the policy of its members of Congress in regard to it. The subject, as has been seen, was raised in the October convention in Mississippi; but, the sentiment of the convention not being unanimous, no action was taken. Therefore, the members of Congress from Mississippi, in common with those from other Southern states, turned to their state for an expression of its will on this question on which it had not yet spoken.

Both the senators and all the representatives from Mississippi, in a letter to Governor Quitman, advised him and, through him, their constituents, that, in their opinion, California would be admitted into the Union during that session of Congress. They regarded, so they declared, the proposition to admit California as a state, under all the circumstances of her application, as an attempt to adopt the Wilmot proviso in another form; and desired, through the governor, to submit to the people and to the legislature of the state the single fact that California would most likely obtain admission into the Union with her constitutional prohibition of slavery and to ask for such expressions of opinion by the legislature, the governor, and, if possible, the people, as would clearly indicate the course that Mississippi would deem it her duty to pursue in the new emergency.[29]

The legislature of Mississippi had assembled in the beginning of

---

[27] *Cong. Globe*, 31 Cong., 1 Sess., 71.

[28] Taylor also declared that the people of New Mexico, he believed, at no very distant period, would present themselves for admission into the Union as a state and advised Congress to await their action.

[29] Claiborne, *Life and Correspondence of John A. Quitman*, II, 34. The letter was dated Washington, January 21, 1850 and signed Jeff. Davis, H. S. Foote, J. Thompson, W. S. Featherston, Wm. M'Willie, A. G. Brown.

January in its regular biennial session and the first expression of that body on the issues between the North and the South, since those issues had reached a real crisis, was awaited with interest. As both houses were overwhelmingly Democratic, it was to be expected that the legislature would voice the will of that part of the state that favored a more extreme position on Southern rights. Moreover the retiring governor, J. W. Matthews, in his message to the legislature, in submitting the resolutions of the legislatures of the several states and also the proceedings of the convention of the citizens of Mississippi on the subject of slavery, sought to induce that body to occupy an advanced position on that question.

He defended the doctrine that Congress was bound to protect the property of the citizens of the states in the territories, and denied the constitutionality of the Wilmot proviso.[30] But he declared that recent developments had convinced him that the passage of the Wilmot proviso was not seriously intended. From a careful attention to the California movement from its inception to its consummation, he was convinced that it was a scheme to avoid the responsibility of openly meeting the question of the prohibition of slavery in the territories by the direct passage of the Wilmot proviso by Congress; and to his judgment that scheme was more abhorrent to the South than an open and direct adoption of the proviso, for to fraud and injustice it added the crimes of hypocrisy and deceit.

As to the demands the South should make in regard to the territories, Governor Matthews held that, the non-slaveholding states having refused to abide by the terms of the Missouri compromise, the slave states were absolved from the observance of its stipulations, and should, at once, fall back on their original constitutional rights, by which they held an equal right with all the citizens of the United States to remove with their property to any of the territories of the

[30] "No proposition to my mind is more clear," Governor Matthews declared, "than that the Wilmot Proviso and its kindred measures are without even the shadow of constitutional authority on the part of Congress; and that a more impolitic, unjust and iniquitous measure was never presented for the consideration of any legislative body. Nothing but an unchastened thirst for power, forgetful of moral and constitutional obligation—a wild fanaticism, uncontrolled by reason, or an utter ignorance of the principles of our government, it appears to me, could induce any man, or set of men, to seriously entertain measures so monstrous." Message of Governor Matthews to the Legislature, January 7, 1850, *Senate Journal*, 1850, 23.

United States and settle therein; and that they should never again consent to any restriction to the extension of their institutions in any portion of the territories of the Union. He declared:

> Unless we come to this determination and maintain it with unyielding firmness' I am convinced that the days of this glorious Union are numbered. The spirit of fanaticism and aggression will never be stayed by compromise; but it will continue its work of destruction, until the sacred ties which have heretofore bound us together in one great and glorious brotherhood, shall be rent asunder.

Finally he recommended that, in the event of the adoption of the Wilmot proviso by Congress, the abolition of slavery in the District of Columbia, the prohibition of the commerce in slaves between the states, or—that which the October convention had failed to recommend—"the admission of California into the Union by virtue of her late pretended constitution," the governor should be authorized to order an election of delegates, from all the counties in the state, to a convention, to take into consideration the mode and measure of redress, and to adopt such measures for their future security as the crisis might demand.[31]

The incoming governor, John A. Quitman, in his inaugural address did not follow up the recommendations of Governor Matthews, but contented himself with asserting the doctrines of state sovereignty and of the nature of the federal government that had found such scanty support in Mississippi when he first announced them in the Nullification controversy, and with defending the institution of slavery.[32] He declared:

> The Members of our national union consist of equal co-ordinate sovereignties, whose interest, for good or for evil, may be affected by the federal government. They are not only entitled to exercise a watchful care over its proceedings, but when the Constitution, or the reserved rights of the states, or the people are threatened, upon the state governments especially devolves the duty of taking proper measures to defend the one and protect the other.

In regard to slavery, he asserted that the people of Mississippi did

---

[31] Message of Governor J. W. Matthews to the Legislature, January 7, 1850, *Senate Journal*, 1850, 23–28.

[32] The *Mississippi Free Trader*, January 30, 1850, declared, with reference to the difference in the state of feeling in the South in 1829 and in 1850, that, "the circumstances are widely different. However exciting the question of a high tariff may have been at that time, it was a question not at all similar to the one now in agitation from one end of the Union to the other. That did but touch our *pockets*, but this involves the very foundations of Society and property amongst us."

not regard it as an evil,[33] but that, on the contrary, they thought that their prosperity, their happiness, their very political existence, were inseparably connected with the institution, that they had a right to it both above and under the constitution of the United States and that they could not and would not give up that right. Measures introduced into Congress, he declared, too plainly spoke the deliberate intention of their instigators to wage a war of extermination against this most valued right; and, whether they originated in fanaticism, affected philanthropy, or calculations of political power, they could have no other object than the ultimate destruction of the domestic institutions of the South or the dissolution of the Union. To those destructive measures, the people of Mississippi, of all parties, assembled in convention, had solemnly declared that they could not and would not submit. Quitman declared:

> They cherish the Union constituted by the wisdom of our fathers; they will defend the Constitution, which established and alone maintains that Union, but they have no love or veneration for any other union than that which is written and defined in the constitution. They are not to be deceived and robbed of their constitutional rights by men who, uttering hollow professions of attachment to the Union, are deliberately severing the ties that bind us together.

The people of Mississippi, he asserted, had taken their stand and he did not doubt but that their representatives would maintain it by providing means to meet every probable contingency.[34]

The legislature, on the report of the joint standing committee on federal and state relations, to which had been referred as much of the governor's message as related to the subject of slavery and the agitation of it, adopted a series of resolutions setting forth its position on those subjects.

In the preamble to these resolutions, the legislature expressed a grave fear that the government of the Union would before long be

---

[33] In the *Free Trader*, of all places, there is a contradiction of this assertion of Quitman's. "The evil, the wrong of slavery is admitted by every enlightened man in the Union," the *Free Trader* declares, "but," it continues, "in the States where the institution prevails it is the bounden duty of every good citizen, if he would preserve society from the inroads of a domestic enemy—if he does not look to the abolition of negro bondage, to see that no false philanthropy shall strike a single rivet from the chains of the slave. As Mr. Cobb lately exclaimed, 'Let the institution of slavery be preserved sacred.'" Editorial in the *Mississippi Free Trader*, January 19, 1850.

[34] Inaugural Address of Governor John A. Quitman delivered before both houses of the Mississippi Legislature, January 10, 1850. Claiborne, *Life and Correspondence of John A. Quitman*, II, 21–24.

laid in ruins by the unholy lust for power that had induced the non-slaveholding states to endeavor to fasten upon the slaveholding states a system of legislation in regard to their peculiar domestic relations, as fatal to their prosperity and happiness as it was unjust and contrary to the principles and provisions of the constitution. In defending slavery, it denied that it was a moral or political evil, declared that it was an element of prosperity and happiness both to the masters and to the slaves, and asserted that if it were abolished the fair and blooming fields of the South would be converted into barren heaths, their high-souled and chivalrous proprietors into abject dependents, and the happy and contented slaves into squalid and degraded objects of misery and wretchedness. Finally, it declared that the time had come for the Southern states to act, that they had remonstrated and forborne until forbearance was no longer a virtue, and that they must prepare to act with resolution, firmness, and unity.

In the series of resolutions that followed, the legislature reaffirmed the resolutions of the October convention setting forth the position of Mississippi on the issues connected with slavery and calling a convention of the Southern states; and, in addition, declared it to be the duty of Congress to provide the means of enforcing in the territories "the guarantees of the constitution of the United States in reference to the property of citizens of any of the states removing to any of said territories with the same, without distinction or limitation."

That the legislature was in earnest when it declared that the Southern states "must prepare *to act*," it proved by appropriating the sum of $220,000; and placing $20,000 of it at the disposal of the governor to be used in defraying the expenses of delegates to the Nashville convention and for convening the legislature of the state so soon, as in his estimation, the safety of the South required the separate or united action of the slaveholding states; and reserving the further sum of $200,000 in the treasury, subject to the control of the legislature, "to be used, if necessary, in the adoption of necessary measures for protecting the constitutional and sovereign rights of the states, in the event of the passage by the Congress of the United States and the approval by the President, of any bill containing the Wilmot proviso, applicable to any of the territories of the United States; or of any law abolishing slavery in any state or territory, or in the District of Columbia, or the slave trade between said District and any of the States."

The legislature further made provision for the assembling by the governor of a convention of the people of the state in the event of the passage by the Congress of the United States of any of the measures enumerated in the resolutions and such action thereon by the Nashville convention as should, in the opinion of the legislature, render a convention of the people necessary for the assertion and defense of their sovereign and constitutional rights.

Also, in addition to reaffirming the resolutions of the October convention calling a convention of the slaveholding states to meet at Nashville on the first Monday in June, the legislature, disregarding the selection of delegates to that convention by the October convention, gave an official character to the Nashville convention by resolving that the delegates from Mississippi should be elected by the legislature itself and paid from the state treasury.[35] Finally, the legislature pledged the state of Mississippi to stand by and sustain her sister states of the South in whatever course of action they might determine on in the Nashville convention.[36]

In these resolutions, the Democratic legislature of Mississippi had taken its position on the demands of the October convention, that Congress should not pass any law interfering with slavery in the states, forbidding the interstate slave trade, abolishing slavery in the District of Columbia, or prohibiting the introduction of slaves into the territories of the United States; and had solemnly declared that the state of Mississippi would not submit to the passage of any of those acts. Also, following the example of the October convention, it had referred the question of the modes and measures of resistance to the Nashville convention and a convention of the state to be called, if it should be necessary, for the assertion and defense of the sovereign rights of the people of the state.

The failure of the legislature to include in its resolutions the demand

[35] These delegates were chosen March 6, over the protest of twenty-seven of the Whig members of the legislature, who claimed the legislature had no power to appoint delegates to the Nashville convention. They are as follows: State at large: W. L. Sharkey (W), A. M. Clayton (D), S. S. Boyd (W), C. P. Smith (D); first congressional district, Jos. W. Matthews (D), Thos J. Word (W); second congressional district, G. F. Neill (D), G. H. Young (W); third congressional district, Wm. R. White (W), J. J. Pettus (D); fourth congressional district, J. J. McRae (D), T. J. Stewart (W). *Natchez Weelky Courier*, March 20, 1850.

[36] Report of the Joint Select Committee on Federal and State Relations, approved March 6, 1850. *Laws of the State of Mississippi*, 1850, 522–526.

that California should not be admitted into the Union under its "pretended constitution" is evidence that the Democratic party in Mississippi was not yet ready to commit itself to a policy of resistance to that measure. For the silence of the resolutions in regard to the admission was not undersigned, since the position of the state concerning it had been discussed in the October convention, and Governor Matthews had earnestly recommended the legislature to take a determined stand in opposition to it, and the policy of the South in regard to it was the most important question before that section and the one on which it had not expressed its will and on which hinged the unanimity of the South in its efforts to carry through its demands.

But the legislature of Mississippi did not escape the expression of an opinion as to the course that Mississippi should pursue with regard to this important question. The letter of the members of Congress from Mississippi to Governor Quitman in regard to the admission of California put the question squarely before that body and it had to give some response, or, by its silence, tacitly declare that it did not agree with the delegates in Congress in their view concerning the admission of California and thus administer a rebuke to them for their position on that question. As all the members of Congress from Mississippi were important members of the party in control of both branches of the legislature, it was not likely that that body would adopt the latter policy; the only question was how far would it go in sanctioning their views.

The members of Congress had asserted that they regarded "the proposition to admit California as a state, under all the circumstances of her application, as an attempt to adopt the Wilmot proviso in another form" and evidently desired the legislature to take the same position in regard to the former measure as it had in regard to the latter. In considering the question, the members of the legislature were confronted by the doctrine set forth by Calhoun in his resolutions of February 17, 1847, and generally accepted in the South, i. e., that the citizens of a territory in framing a state constitution have a right to engraft on it any principle whatever, provided the form of government is republican and the constitution conflicts in nothing with the constitution of the United States, and that Congress has no right to impose any other conditions. The legislature admitted this doctrine and, in seeking a basis for opposition to the admission of California,

turned to the charges that the constitution of California was the result of a false and unjust policy on the part of the government of the United States and of the use of fraud and improper influence to stifle a full and fair expression of opinion by the citizens of California. But the utmost action that the legislature would take, was to instruct the senators and the representatives in Congress that, if they were satisfied from reliable evidence that these charges were true, they should, to the extent of their ability, resist the admission of California by all honorable and constitutional means; and to refer the whole question of the admission of California to the Nashville convention without any recommendation whatever.[37]

But some of the members of the Mississippi legislature were unwilling to support this evasive position with reference to the admission of California; and, in the minority report of the joint committee on federal and state relations, five prominent Whigs came out squarely in support of the administration in its plan for the admission of California. Not being Democrats, they did not hesitate to say, in so many words, that they could not regard the admission of California as a state with a constitution fairly formed by her citizens, as the Wilmot proviso in another form, although slavery might be excluded by constitutional prohibition. They declared that, although they ardently desired that California should come into the Union as a slave state, yet, if, in the opinion of Congress, the proper judge of such facts, the people of California had declared otherwise and formed a constitution and state government, for themselves, in accordance with the constitution of the United States, without any fraud or improper or undue influence in the act or manner of its formation, they would acquiesce in the right of the people of that country to form their own constitution as they might desire.

They reiterated the demands of the October convention, but declared they saw no good reason to oppose the admission of California as a state with a constitution regulating its own domestic institutions, at as early a day as it could be admitted in accordance with the requirements of the constitution of the United States and the usages of the government in similar cases.[38]

[37] Laws of the State of Mississippi, 1850, 526–528.

[38] Minority Report of the Joint Committee on Federal Relations, February 27, 1850, *Senate Journal*, 1850, 612–613. This report was made by Walter Brooke and assented to by Alcorn, Sharkey, Tait, and White.

And so the letter from the senators and the representatives in Congress from Mississippi instead of inducing the legislature of their state to take a position in regard to California that would influence the Southern delegates in Congress to unite in demanding that California should not be admitted into the Union under the constitution it had formed, and that would aid them in securing that demand by proving to the country that Mississippi, at least, was determined to support it, served rather to defeat their objects by revealing the real divisions in the state in regard to that most important question.

The expressions of opinion by the people, which the members of Congress had requested in their letter to Governor Quitman, revealed further the divisions in the public sentiment of Mississippi in regard to the admission of California. The attitude of the press of the two parties is set forth with sufficient clearness by the organs of those parties in Natchez. The *Free Trader*, the Democratic organ, did not hesitate to support the charges of fraud and undue influence in the election of members of the constitutional convention of California, and asserted that the administration had, through its officers and agents, secretly managed to sell California to the abolitionists. It urged the South to stand firm and refuse the admission of California that year, for by another year the really permanent settlers in California, who, according to all the laws that govern population, would inevitably be Southern, would have a chance to express their sentiments and be heard.[39]

The *Natchez Courier*, on the contrary, declared that the rejection of the constitution of California by Congress would not cause that territory to become peopled by slaves and slave owners, nor would it render New Mexico slave territory, for that event was even more improbable than that such might be the case in California. How impossible it was to establish slavery in the territory acquired from Mexico, the *Courier* sought to prove by pointing out that, even if a Southern Confederacy were established by a peaceable secession of the slave from the free states, the free states having a navy and a marine, would at once take possession of the territories while the South would have to create both before it could even make the attempt. The *Courier* concludes:

---

[39] *Mississippi Free Trader*, February 20, 1850.

It is a bitter pill—one that we hate to swallow—to see the acquired territory come into the Union as free states. Could we make tham slave states, it should be done. But, believing the matter to be inevitable, we cannot, and will not sit still, and see Gen. Taylor assailed by men whose public course has produced the very state of things (and they were warned in time) at which they are now growling at so terrible a rate.[40]

In general, in the public meetings in which the Democrats were in control, the resolutions adopted took, in regard to the admission of California, the position of the legislature in its instructions to the members of Congress with reference to that question;[41] but some went to the extent of declaring, with their delegates in Congress, that they regarded the attempt to admit California then being made in Congress, as an effort to pass the Wilmot proviso in another and far more odious form.[42]

The Whigs, for the most part, supported the minority report of the joint committee on federal relations.[43] In a meeting, at the state capital, February 15, 1850, of the "Friends of General Taylor and the Union" under the leadership of prominent Whigs in both houses of the legislature, resolutions were adopted declaring that it was the "well defined opinion" of the meeting "that the people of Mississippi would sustain their Senators and Representatives in aiding to carry out the policy of the President in reference to the admission of California into the Union, as unfolded in his admirable message to Congress on the subject," and expressing an abiding confidence in the devotion of the people of Mississippi to the constitution and the Union and the assurance that the admission of California was not such an emergency as would cause them to think for a moment of pursuing any course calculated to endanger either the one or the other.[44]

---

[40] *Natchez Weekly Courier*, February 19, 1850.

[41] Southern Meeting in Jackson, February 19, 1850, of citizens and strangers opposed to the admission of California, with its anti-slavery constitution. *Mississippi Free Trader*, March 6, 1850.

Governor Quitman presided over the meeting and John I. Guion, a Whig, was chairman of the committee on resolutions.

[42] Public Meeting at Raymond, Hinds county, April 8, 1850. *Ibid.*, May 4, 1850.

[43] Resolutions of a Meeting in Natchez, *Natchez Weekly Courier*, March 8, 1850.

[44] *Ibid.*, February 26, 1850.

The committee that drew up the resolutions adopted by this meeting were, for the most part, members of the legislature. Their names are as follows: Gen. Peter B. Starke, of Bolivar; Luke Lea, of Hinds; E. S. Fisher, of Yalobusha; Walter Brooke, of Holmes; W. C. Harper, of Rankin; James M. Tait, of De Soto; J. W. Watson, of Marshall, A. E. Reynolds. of Tishomingo; L. M. Garrett, of Madison; Dr. Isaac V. Hodges, of Smith; A. K. Farrar, of Adams; Roderick Seal, of Harrison; George H. Foote, of Noxubee; and Gustavus H. Wilcox, of Jefferson.

But Judge Winchester, in a speech before a meeting in Natchez, March 9, 1850, without doubt expressed the real sentiment of many, both Whigs and Democrats, in regard to the admission of California. He asserted that he believed that the South was right in objecting to the admission of California as a free state and in trying to prevent it, until she received solemn and sufficient security that her rights, secured to her by the constitution, should be respected by the free states and no longer trampled on; that the opposition to the admission of California was the only rod the South held over the North to compel it to recognize her just and lawful claims; and that, if that were thrown into Northern hands, the South would be completely in their power whatever might be the fanaticism that might be dominant. He admitted that California was legally entitled to admission, but declared that the unconditional admission of one free state should not be permitted to the injury of fifteen slaveholding states already in the Union.[45]

In all these public meetings, neither the Whigs nor the Democrats showed any weakening in their support of the demands of the October convention. On the contrary, the more vehemently they opposed including among those demands the rejection by Congress of the application of California for admission into the Union under her existing constitution, the more emphatically they seemed to think it necessary to declare their support of them. In addition, in some of the meetings the demand for the passage by Congress of a more effective fugitive slave law was added to those of the October convention.[46]

In the resolutions and other expressions of opinion in regard to the demands of the South with reference to the issues involved in the

---

[45] Proceedings of the Whig rally in Natchez, March 9, 1850, *Mississippi Free Trader*, March 13, 1850.

The resolutions of a public meeting of the people of Lafayette county, April 30, voice this same opinion in regard to the admission of California by declaring "That it is our opinion California ought not under any circumstances to be admitted into the Union as a non-slaveholding state, unless with such admission the rights of the South are amply secured on the slavery question in such a manner as effectually to guard against future aggressions of the North and restore quiet to the public mind, for the South will not be satisfied with less than that and hardly with that." The *Organizer*, May 6, 1850.

[46] The Whig Rally in Natchez, March 9, 1850, *Mississippi Free Trader*, March 13, 1850; Rally for the Union in Jefferson county, April 1, 1850, *Ibid.*, April 3, 1850; Public Meeting of the People of Lafayette County, April 30, 1850. The *Organizer*, May 6, 1850.

controversy over slavery, the attitude of the state toward the Union is revealed. There was a unanimous agreement in the declaration of the October convention that the people of Mississippi continued to entertain a devoted and cherished attachment to the Union, but that they desired to have it as it was formed and not as an engine of oppression.[47] Some added that the people of the state had no love or veneration for any other Union than that which was defined in the constitution;[48] and others went so far as to declare that, without the constitution, they considered it a curse.[49] All agreed, however, with Jefferson Davis, that Mississippians would never abandon the Union, with the constitution.[50] But many were convinced that the spirit of fanaticism and aggression in the North would never be stayed until the guarantees of the constitution on the subject of slavery were broken and that the people of the South should not and would not submit to such encroachment on their rights, the preservation of which involved not simply their prosperity and happiness but their very existence, and entertained grave fears for the Union.[51] Declarations were made, it is true, expressing the determination of the people of the state to secure their rights in the Union, if they could, but out of the Union, if they must;[52] but, with few exceptions, the

---

[47] Resolutions of the legislature of Mississippi appointing delegates to the Nashville convention, *Laws of the State of Mississippi*, 1850, 522–526.

[48] Inaugural Address of Governor John A. Quitman, January 10, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 24.

[49] Speech of Jefferson Davis, *Cong. Globe*, 31 Cong. 1 Sess., 137, January 10, 1850.

[50] *Ibid.*

[51] Message of Governor Matthews to the Mississippi Legislature, January 7, 1850. *Senate Journal*, 1850, 23–28; Report of the Joint Committee of the Legislature on State and Federal Relations, *Mississippi Free Trader*, January 30, 1850; Rally for the Union in Jefferson County, *Mississippi Free Trader*, April 3, 1850.

[52] The *Vicksburg Sentinel* declared, March 12, 1850: "The South cherishes the Union of these States with a patriotic devotion. It is honorable to the patriotism and creditable to the intelligence of our people, that they look upon the severance of the bond of Union which binds together this mighty Republic, with all its probably disastrous and bloody consequences, with no composure of feeling and though they are determined to require of the free States due security for our rights under the constitution, they would avoid the last resort with a reluctance which no language can express."

"The South has remonstrated, argued, entreated and demanded, in vain. They have been met with reckless, careless, insulting innovations and trespasses upon their rights and will submit to them no longer. They desire to live under the Federal constitution, in its true and correct version, or else they will secede and form one for themselves under which they can enjoy their rights and privileges."

"The citizens of Hinds county in a public meeting held, without distinction of

citizens of the state thought, with Judge Winchester, that the dissolution of the Union was not necessary to secure their rights.[53] The ability of the South to protect its rights within the Union had not yet been tested and they believed that, by perfect unanimity and cordial co-operation among the slave states in presenting their demands, they could secure all that the constitution held out to them and preserve both their rights and the Union. The *Vicksburg Sentinel*, April 2, 1850, denied there was a disunionist in the South and declared that no one could point out one.

During these months when Mississippi was formulating its position on the measures before Congress affecting slavery, the other Southern States were also concerned with the same problem and their action in regard to it greatly affected that of Mississippi and was in turn influenced by it. The legislature of Alabama declared that Alabama would never submit to the passage by Congress of the Wimot proviso or any similar act.[54] That of Maryland opposed the abolition of slavery in the District of Columbia, asserted that Congress had no power to exclude slavery from any of the territories of the United States, and declared that the state of Maryland would take her position with her Southern sisters in the maintenance of the constitution with all its compromises and the vindication of her own just rights.[55] The Virginia assembly made provision for the calling of a convention of the state in the event of the passage by Congress of the Wilmot proviso, or an act prohibiting slavery in the District of Columbia, or the slave trade between the states.[56] But in none of these states did the legislature proclaim its attitude toward the admission of California as a state.

The legislature of Tennessee, however, after having passed, by a strict party vote, a resolution solemnly asserting that the state of Ten-

party, at Raymond, April 8, 1850, asserted: "Our rights under the constitution we cannot consent shall be encroached upon. . . . . These rights we have determined, as far as this meeting can have a voice in the matter, to protect in the Union, if we can—out of the Union if we must. 'Come what will, should it cost every drop of blood and every cent of property we must defend ourselves'—The Union is dear to us—freedom and our constitutional rights are dearer." *Mississippi Free Trader*, May 4, 1850.

[53] Speech of Judge Winchester before the Whig Rally in Natchez, March 9, 1850, *Mississippi Free Trader*, March 13, 1850.

[54] Du Bose, *The Life and Times of William Lowndes Yancey*, 241.

[55] *National Intelligencer*, January 26, 1850.

[56] *National Era*, February 21, 1850.

nessee would not submit to the passage of the Wilmot proviso, declared in regard to California, that the whole matter should undergo a rigid scrutiny, but that it would not try to prescribe any rule of action.[57] Finally, the legislature of Georgia resolved that it would be the immediate and imperative duty of Georgia to meet in convention to consider redress in any of five contingencies: the passage of the Wilmot proviso, the abolition of slavery in the District of Columbia, the prohibition of the slave trade between the states, the continued refusal of the non-slave states to deliver up fugitive slaves as prescribed in the constitution, or the admission of California with its pretended constitution.[58] A Southern state had, at length, included the admission of California with the measures against slavery that would require redress. But the action of the Georgia legislature with reference to California was weakened by the fact that the Whig members of that body, although they had concurred in the other resolutions, had resisted the one in regard to California, as violating the fundamental state rights principle that had been proclaimed by Calhoun in 1847, and maintained by the Whig party for years.[59]

It is evident that, in the early months of 1850, the majority of the people of the South, as well as the people of Mississippi, were united in the demand that Congress should not enact the Wilmot proviso, abolish slavery in the District of Columbia, or prohibit the slave trade between the states and in the determination to resist those measures if they were passed. But it is even more evident that neither Mississippi nor the South as a whole could be united in the demand that California should not be admitted into the Union under the constitution it had drawn up. Public sentiment would support the members of Congress only in their using all "honorable and constitutional means" to limit the southern boundary of California to 36° 30′ and in their making the most out of the admission of California to force concessions from the North in regard to the other questions at issue between the two sections.[60]

---

[57] *National Era*, Febuary 21, 1850.
[58] *Ibid.*, *New York Semi-weekly Tribune*, March 30, 1850.
[59] Quotation from the *Richmond Whig* in the *National Era*, February 21, 1850.
[60] *Ibid.*. Speech of Judge Winchester in Natchez, March 9, 1850, *Mississippi Free Trader*. March 13, 1850.

CHAPTER V.

THE FORMATION OF THE COMPROMISE.

While Mississippi and the other Southern states were formulating the demands of the South with reference to the action that should be taken by Congress in regard to the questions connected with slavery, the struggle in that body over these issues was being waged with fierce intensity by the delegates from the two sections. The great leaders of the country were in the Senate, where Calhoun, Clay, Webster, Benton, and Cass represented the generation under which the issues involved in slavery had grown acute, and Davis, Douglas, and Seward the younger generation that would have to grapple with those issues in the last great crisis. Therefore, to the Senate, the country looked for a solution of its difficulties and in that body the measures of compromise were to be worked out.

Clay, who had returned to the Senate, after nearly eight years of absence, to resume his part in national affairs, being convinced that the Union was in danger, set himself to construct a plan of compromise, which he hoped would give peace to the country for thirty years, as the Missouri compromise had done. On January 29, 1850, he presented this plan to the Senate in a series of eight resolutions. These recommended that California, with suitable boundaries, should be admitted to the Union without the imposition of any restrictions in regard to slavery; that, as slavery did not exist by law in any of the territory acquired from Mexico and was not likely to be introduced, territorial governments should be established by Congress in that territory without any restrictions in regard to slavery; and that the boundary between Texas and New Mexico should be settled by the giving up by Texas of her claims on the territory in dispute in return for the payment of her public debt contracted prior to annexation and not exceeding a certain sum to be agreed upon later. The resolutions further declared that it was inexpedient for Congress to abolish slavery in the District of Columbia and that it had no power

to interfere with the slave trade between the states; but that it was expedient to prohibit the slave trade within the District of Columbia and that a more effectual provision should be made for the restitution of persons bound to service or labor.[1]

In spite of Clay's request that the members of the Senate should deliberate well and dispassionately on his resolutions before they took ground against them, Ruske, Foote, Mason, Davis, King, Downs, Berrien, and Butler hastened to object to them; and all together made it evident that the measures proposed by the senator from Kentucky did not form a compromise acceptable to the South.

Foote found a number of points in which the resolutions seemed objectionable to him. They asserted only that it was not expedient that Congress should abolish slavery in the District of Columbia; whereas, he held that Congress had no such power of legislation. The resolutions, also, asserted that slavery did not exist by law in the territories acquired from Mexico; and he was of the opinion that the treaty with Mexico carried the constitution, with all its guarantees, to all the territory obtained by that treaty and secured the privilege to every Southern slaveholder to enter any part of it, attended by his slave property, and to enjoy the same therein free from all molestation or hindrance whatever. He also thought that whether slavery was or was not likely to be introduced into any part of that territory was a proposition too uncertain to be positively affirmed and was unwilling to make a solemn legislative declaration on that point. In addition, he objected to the resolutions adjusting the boundary of Texas, because he thought that the title of Texas to all the territory embraced in the boundaries as laid down in her law of 1836 was undeniable and that one of the resolutions called that title into question; and, also, because he was opposed to the principle of assuming state debts and preferred that Texas should be paid money for the soil that he favored, under certain appropriate safeguards, buying from her.

However, he saw no objection to the abolition of the slave trade in the District of Columbia and approved the resolutions providing for the restoration of fugitives from service and labor, and for the establishment of territorial governments free from all restriction on the

[1] *Cong. Globe*, 31 Cong., 1 Sess., 246.

subject of slavery; also, the resolution asserting that Congress had no power to prohibit the trade in slaves from state to state. Finally, he declared that if all other questions connected with the subject of slavery could be satisfactorily adjusted, he saw no objection to admitting into the Union all California above the line 36° 30′; provided another new slave state could be laid off within the limits of Texas, so as to keep up the "equiponderance" between the slave and the free states of the Union; and provided, further, that all this was done by way of compromise and in order to save the Union.[2]

Jefferson Davis followed Foote in a protest in which he took the same position that Foote had taken in his contentions that Congress could not prohibit slavery in the District of Columbia and had no power to deprive Texas of its rightful boundary of the Rio Bravo del Norte from its mouth to its source; and, also, in his objections to the assertion in Clay's resolutions that slavery was excluded from California by Mexican laws and would never, under any circumstances be established there. Davis declined to receive the measure proposed by Clay as a compromise; for he declared that he did not consider a measure in which the minority received nothing a compromise, and that he looked upon Clay's proposal but as a modest mode of taking that, the claim to which had been more boldly asserted by others.

That his position might be understood and that it might go forth to the country with the sentiments of the senator from Kentucky, Davis definitely stated his demands in regard to the extension of slavery in the territories. He declared:

> I here assert that never will I take less than the Missouri compromise line extended to the Pacific ocean, with the specific recognition of the right to hold slaves in the territory below that line; and that, before such territories are admitted into the Union as States, slaves may be taken there from any of the United States at the option of their owners.[3]

This declaration of Davis brought out an essential point of difference between him and Foote in regard to slavery in the territories. Although both demanded that the southern boundary of California should be fixed on the line of 36° 30′ north latitude, Foote gave his hearty approval to that portion of Clay's resolutions that declared in

---

[2] *Cong. Globe*, 31 Cong., 1 Sess., 247.
[3] *Ibid.*, 249.

favor of the establishment of territorial governments free from all restriction on the subject of slavery; whereas Davis demanded that the Missouri compromise line should be extended to the Pacific, with the specific recognition of the right of slaveholders to carry their slaves into the territories below that line and hold them there until those territories were admitted into the Union as states.

Both of the senators from Mississippi did not long delay in expressing at greater length and in a more formal manner their views in regard to the questions embodied in Clay's resolutions. Foote formulated a series of resolutions and submitted them to the Senate as an amendment he proposed to offer to Clay's compromise measure. The first resolution of the series is significant because it shows Foote at variance with the doctrine concerning the power of Congress in the admission of new states enunciated by Calhoun and generally accepted in the South. Foote declared:

> Congress posesses under the Constitution full and *exclusive* power to admit or refuse to admit new States into the Union, *of its own discretion*, which discretion, though ought in no case to be exercised arbitrarily, unjustly, or to the injury of any of the sovereign members of the Confederacy, or to the injury or disparagement of any of their reserved rights.

Having stated the basis of his views in regard to the admission of California, Foote offered the following resolution in regard to that question:

> That in the judgment of the Senate, California is not, at the present time, absolutely entitled to admission into the Union as a State; that whether she should be admitted or not is a simple question of expediency; that it would be altogether impolitic to admit her with the boundaries specified in the constitution recently adopted by her Convention, or with a territorial surface extending south of the compromise line of 36° 30′; that it would be unwise to grant such admission, if it should be hereafter made to appear that her present civil organization has been brought about by unfair, unconstitutional, or coercive action on the part of the Federal Government, or any of its functionaries; and that, all other impediments being removed, such admission should, under existing circumstances, only be allowed to take place under a clear and distinct understanding and agreement that a new State may be hereafter formed within the present territorial limits of the State of Texas, in accordance with the articles of Texan annexation, and be admitted into the Union at as early a period as practicable.

The solution that Foote suggested in regard to the organization of the territories was that, without attempting to provide by law either for the admission of slavery into the territories or its exclusion, Congress should establish, with as little delay as practicable, territorial governments so framed as to be exempt from all restriction,

limitation, or condition in reference to slavery and to afford full protection and security to life, liberty, and property, in conformity with the provisions of the constitution of the United States.

In regard to the boundary of Texas, Foote again asserted that the title of Texas to all the territory within her boundaries as specified in the act of the Congress of the Republic of Texas in 1836 was clear and unquestionable; but he expressed a willingness to propose to Texas that, in consideration of a sum of money to be agreed upon, she should cede to the United States all that portion of her territory north of the line of 34 degrees, north latitude. He specified, however, that the principle of the compromise embodied in the Texas annexation resolutions should be reserved permanently within the limits of the territory to be ceded and that the money paid to Texas should be disposed of by her at her own discretion.

In the other resolutions, Foote declared that Congress could not properly or justly legislate for the abolition of slavery in the District of Columbia, except with the unanimous consent of all the slaveholding states of the confederacy; that it was inexpedient to legislate at that time in regard to the prohibition of the trade in slaves in the District of Columbia and that such legislation might well be left to the municipal authorities of the district; that more effectual provisions ought to be made for the restitution of fugitive slaves; and that Congress had no power to prohibit or obstruct the trade in slaves between the slaveholding states.[4]

During his remarks on Clay's resolutions at the time of their introduction, Davis was challenged by Clay to a discussion; and so, on the thirteenth and fourteenth of February, in a long speech, carefully prepared to refute the arguments made by Clay in his speech of Feb-

[4] Resolutions submitted by Foote to the Senate, February 8, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 323.

On January 16, 1850, Foote had introduced a bill in the Senate for the settlement of the question of the extension of slavery into the territories that it is interesting to compare with this. That bill provided for the organization of territorial governments in California, Deseret, and New Mexico without reference to slavery, and the formation of the state of Jacinto within the boundaries of Texas and its admission into the Union upon an equal footing with all the other states, provided its constitution were republican in character and not repugnant to the constitution of the United States. This bill is important only as a statement of the settlement that Foote and the other Southerners would have liked, for it was referred to the committee on territories and nothing came of it. *Ibid.*, 170.

ruary fifth and sixth, Davis explained his position on the questions at issue in this crisis and sought to bring the Senate to a realization of the danger threatening the Union.

The movement against the interests of the South, he declared, was the result of the cold calculating purpose of those who sought sectional dominion; for the spirit upon which the abolition movement originally rested had long since passed away and that movement was no longer the clamor of a noisy fanaticism, but the steady advance of a self-sustaining power to the goal of unlimited supremacy. Already, a large part of the non-slaveholding states had declared war against the institution of slavery and announced that it should not be extended. Moreover they had coupled with their annunciation the declaration that slavery was a stain upon the Republic, a moral blot which should be obliterated. Davis asked:

> Now, sir, can any one believe, does any one hope that the Southern States of this Confederacy will continue, as in time gone by, to support the Union, to bear its burdens, in peace and in war, in a degree disproportioned to their number, if that very government is to be arrayed in hostility against an institution so interwoven with its interests, its domestic peace, and all its social relations, that it cannot be disturbed without causing their overthrow? This Government is the agent of all the States; can it be expected of any of them that they will consent to be bound by its acts, when the agent announces the settled purpose in the exercise of its power to overthrow that which it was its duty to uphold? That obligation ceases whenever such a construction shall be placed upon its power by the Federal Government. The essential purpose for which the grant was made being disregarded, the means given for defence being perverted to assault, State allegiance thenceforward resumes its right to demand the service of all its citizens.

To guard against this state of affairs, Davis believed that it was essential that neither section of the Union should have such power in Congress as would render it able to trample upon the rights of the other and asserted that it would be a blessing and an essential means of preserving the Confederacy for the North to have a majority in one branch of Congress and the South in the other.

With reference to the question of slavery in the territories, Davis supported the right of a slaveholder to go with his slave into any portion of the United States, except into a state where the fundamental law had forbidden slavery, and denied that the government of the United States had the sovereign power to prohibit slavery in the territories or that a territorial community, "a dependence of the United States," had any such power. For, according to Davis, the sovereignty over the territories "rests in the States." He added:

There is no power, save that of the States, which can exclude any property, or can determine what is property, in the territories so held by the States in common. That power the States have not delegated; it can be exercised rightfully only by compact or agreement of the States. It is, therefore, that I have held and hold that the Missouri compromise derived its validity from the acquiescence of the States, and not from the act of Congress.

The argument of Clay that slavery was prohibited by law in Mexico and that this prohibition under Mexican law continued in the territory acquired by the United States from Mexico, Davis utterly rejected. He pointed out that, if the argument were good with reference to slavery, it must be equally good with reference to some sixty articles of ordinary commerce and the Protestant religion, which were also prohibited by Mexican law in the territories in question. But he declared that free trade with the United States and freedom of worship extended to the territories because the constitution overrode the laws of Mexico; and that, since the constitution recognized property in slaves and secured equal privileges and immunities to all citizens of the United States, the South claimed the abolition of slavery by Mexico to have died with the transfer of the territories to the United States.

Davis then proceeded to inquire into the character of property in slaves to determine what it was that excluded it from the general benefit of the principle applied to all other property. He denied that property in slaves was local in its nature and derived its existence from municipal law. This property like all other, he asserted, was not the creation of statutes; it was regulated by law like other tenure and relations of society, but like other property must have existed before laws were passed concerning it; like other property, it resulted from the dominion of mind over matter, and more distinctly than most other species of property is traced back to the remotest period of antiquity. It was not established in America by law, nor did it originate here. It came into the colonies, as all other property did, subject to the common law which governed them; and, from time to time, laws were passed to regulate it, but never to establish it.

Davis declined to discuss property in slaves as an abstract question of justice or injustice. It was enough for him, in Congress, he asserted, to know that Congress was not called upon to legislate either for its amelioration or to fix the places in which it should be held, and certainly had no power to abolish it. It was enough for him, elsewhere,

"to know, that it was established by decree of Almighty God, that it is sanctioned in the Bible, in both Testaments, from Genesis to Revelations; that it has existed in all ages; has been found among the people of the highest civilization, and in nations of the highest proficiency in the arts." He added:

> Testimony might be produced to show that many blessings spring from it in proportion to the evils that are so loudly denounced as an inherent part of it. But I ask of those who entertain opinions opposite to mine, is it well to denounce an evil for which there is no cure. Why not denounce criminal laws, declaim against disease, pain, or poverty, as wrong? There are many evils in the condition of man which we would be glad to remedy; but, not being able, we permit them to exist as less than those which would follow an interference with them.

From the other argument of Clay that slavery was excluded from the territory acquired from Mexico by a decree of nature, Davis also dissented. He held that gold washing and mining and a system of agriculture which demanded irrigation were peculiarly adapted to slave labor and believed that slavery would be very essential to the development of, at least, a portion of California and New Mexico. He concluded the discussion of Clay's resolutions on the territories by a statement of the demands of the South, as he understood them, in regard to the territories. He declared:

> We do not ask Congress to express an opinion in relation to the decrees of nature, or say that slavery shall be planted in any of the Territories of the United States. We only claim that we shall be permitted to have the benefit of an experiment, that we may have that equal participation in the enjoyment of the Territories which would secure to us an opportunity to be heard in the determination of their permanent institutions. We have only said that we are entitled to a decision of the Supreme Court of the United States, and that we should be allowed to try the institution of slavery, that thus it might be ascertained what the decree of nature is. Both these have been denied to us. We have been denied by Congress an appeal to the Supreme Court; we have been debarred by congressional agitation from obtaining the decree of nature.

As to the more effective fugitive slave law recommended in Clay's resolutions, Davis declared that, if such a law were passed at that session of Congress, it would be a dead letter in any state where the popular opinion was opposed to the rendition of fugitive slaves, because the government of the United States, more than any other, depended on the consent of the people and so emphatically was this true that the laws of Congress could not be executed in any state of the Union if that state were resolved to resist them. He had never expected any benefit to result to the South from the legislation by Con-

gress, in regard to fugitive slaves and he believed that upon this, as upon every other subject, Southerners must rely more on the patriotism, the good sense, and the morality of the people of the North than upon any tribunal to preserve their rights. For he believed that if the wrongs and the injuries heaped upon the South were understood by the great body of the people at the North, the whole conduct of their politicians would be rebuked and peace and harmony would be restored.

In regard to the other points in Clay's resolutions, Davis denied that the boundary of Texas was an open question, that Congress had a right to prohibit slavery in the District of Columbia or to appropriate money for the purpose of emancipation, declared that he preferred the Wilmot proviso to the admission of California under the constitution it had drawn up, and denied that the resolutions contained any concessions to the South.

Davis closed his long speech with a statement of the grounds of complaint of the South against the North and a warning of the danger facing the country. As the grounds of complaint of the South, he pointed to the agitation in the two halls of Congress in relation to the domestic institutions of the South; the action of the legislatures of the Northern states defeating the provisions of the constitution that were among its compromises for the benefit of the South; the denunciation heaped upon the slaveholders by the press of the North and the attempts to degrade them in the eyes of Christendom; and the sectional organization for the purpose of hostility to the southern portion of the Union. These, Davis declared, were weakening the bonds of union and threatening their final rupture.

He denied the responsibility of the South for the sowing of seeds of disunion. Every charge of disunion that was made against the part of the South that he, in part, represented, he pronounced grossly calumnious and defended the conduct of Mississippi in calling a convention as the result of patriotism and a high resolve to preserve, if possible, the constitutional Union. Every movement taken therein, Davis asserted, was independent of the action of anybody else, unless the principles of those who had gone before, leaving the rich legacy of their free institutions, were referred to. In that case, Davis significantly declared, they must go back to the bold spirit of the barons of England. That spirit, he asserted, had come down

to Southerners and they would defend their rights, and, if it were necessary, claim from the government of the United States, as the barons claimed from John, the grant of another *Magna Charta* for their protection.

He solemnly warned the North that if Southerners were denied the benefits guaranteed by the constitution their self-respect would require them to maintain them. It was not interest or fear, he asserted, that bound the South to the Union, but mainly a feeling of attachment; and he asked the members of the Senate to consider how long affection could be proof against such trials and injuries and provocations as the South was continually receiving.

It depended on the majority, Davis stated, to say whether this strife between the sections should be arrested or whether it should proceed to a final catastrophe. It was for those who had the power to pass a measure of compromise, to propose one. Since his section had no such power, he had no measure to suggest; but he was willing to meet any fair proposition which promised security for the future and gave assurance of permanent peace. If he strictly measured his conduct by the recent expressions of opinion in his state, he would have no power to accept any terms save the unqualified admission of the equal rights of the citizens of the South to go into any of the territories of the United States with any and every species of their property; but he was willing to take his share of the responsibility that the crisis demanded and to rely on the known love for the whole country of the people whom he represented and their abiding respect for the Union of the states.[5]

Foote, with other Southerners, was convinced that the only hope of imposing conditions on California and securing proper compensation for the South for her admission lay in combining California with the other questions at issue. Therefore he took advantage of the additional tension caused by the message of the president, on February 13, transmitting to Congress the "Constitution of the State of California,"[6] to propose the selection of a special committee of fifteen to which should be referred the president's message, with the accompanying documents, and the various propositions before the Senate

[5] Speech of Jefferson Davis, February 13 and 14, 1850, *Cong. Globe*, 31 Cong., 1 Sess., appx., 149–157.

[6] *Cong. Globe*, 31 Cong., 1 Sess., 355.

relating to the question of slavery in all its bearings; and the duty of which should be to report, if it found it practicable to do so, a plan for the definite settlement of the unhappy controversy.[7]

Since this measure was opposed by Clay on the ground that the question of California should be kept separate and settled as expeditiously as possible, Foote proceeded to urge the necessity of embracing all the questions at issue in one compromise bill. He declared it to be his solemn dispassionate conviction that, it California were dragged into the Union in the mode proposed, the Southern states would feel that all hope of fraternal compromise had become extinct, and that such intolerable oppression had been imposed upon them "as to justify, nay, to demand secession from the Union, in order to save themselves from evils worse than disunion itself." He was not urging disunion as a remedy for the existing grievances, he explained; he was not authorized in his official capacity to so so; and he could honestly declare that nothing but dire necessity could, in his judgment, justify a resort to measures so extreme. He added:

> And yet I do believe that the Congressional legislation so long threatened, and at this time as fiercely threatened as ever on the subject of slavery, will, when it shall occur, be productive of that very state of things; a state of intolerable oppression, which, according to Andrew Jackson himself, whose love for the Union no one can question, would justify *secession*, not as a *constitutional*, but as a *revolutionary remedy*.[8]

Although Foote thus warned the North that the South might be driven to seek safety out of the Union, he defended his section from the charge of desiring a dissolution of the Union. He asserted that disunion meetings had been held in Massachusetts, New York, and other states north of Mason and Dixon's line, but that south of that line no such meeting or convention had ever been held, nor any disunion sentiment avowed to his knowledge; but that only God knew what results might be brought about by continued oppression and insult. He cordially reiterated the views of his colleague, Senator Davis, on that subject, especially that portion of his remarks that referred to the proceedings of the Mississippi convention. He declared:

---

[7] *Ibid.*, 356.
Foote gives the credit of suggesting this measure to Thomas Ritchie, editor of the *Washingtom Union*. Foote, *Casket of Reminiscences*, 25.

[8] Speech of Foote, February 14, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 366.

> Our object in proposing the convention at Nashville so much misunderstood, and oftimes, as I think, so wilfully misrepresented, was not to subvert the Union, but to save it from destruction; not to overturn the constitution, to which the Union itself owes its existence, but to preserve it in all of its purity and vigor, and, by preserving it, to preserve and perpetuate the Union also. . . . . I do not doubt, though, that such a convention might serve as a convenient *rallying point*, in the event of our being driven out of the Union by *intolerable* oppression, and enable us to save ourselves from utter degration and ruin.

He hoped, however, that the occasion for using the convention for such a purpose might not arise.[9]

Although it was generally recognized that the real settlement of the sectional contest would be devised in the Senate, the members of the House from Mississippi, together with those from the other Southern states, rallied to the support of the demands of their section and made it quite evident that they would not allow a bill for the admission of California to pass the House unless the other questions at issue were satisfactorily adjusted.

A. G. Brown, more unrestrained in speech than Davis or Foote, warned the North that the South would submit to injustice no longer; that the issue was made up and that the North must choose between non-interference with Southern rights, on the one side, and a dissolution of the Union, on the other. The people of the South, he asserted, had the same right to go into the territories with their slave property as those of the North had to go with their personal estate[10] and they would resist the denials of that right to the last extremity. In substantiation of this, he pointed to the position of Virginia, Georgia, Alabama, Mississippi, and South Carolina and the warnings that were coming up from those and the other Southern states.

Brown proclaimed that it was useless to deny that the Union was

---

[9] *Cong. Globe*, 31 Cong., 1 Sess., 368–369.

[10] This assertion Brown based on his theory of the sovereignty of the states and the character of the United States government. According to Brown, the states were co-equal sovereigns and the United States a mere agent for them, holding certain political powers in trust to be exercised for their common benefit. The common agent acted for the sovereignties in carrying on the war with Mexico; but the people that the agent called upon to fight the battles of the war was not the people of the United States—for there was no such political body—but the people of the states, respectively. The territory acquired as a result of the war belonged to the people of the respective states in common; and the states being co-equal sovereigns—for there is no such thing as sovereigns of great and of small degree—it followed that one half of the sovereignties could not exclude the other half from equal participation in the joint property acquired by all. In fact, so long as one of the sovereignties protested against a disposition of what belonged to all such a disposition could not be rightfully made. *Ibid.*, 257.

in danger. While the other sections had been heaping outrage upon outrage, adding insult to insult, the people of the South had been calmly calculating the value of the Union. They had considered the question in all its bearings and their minds were made up. They had designated a point beyond which they would not submit because submission beyond that point would involve consequences more terrible than disunion, the fearful consequences of sectional degradation. He warned the men of the North that, if they attempted to force sectional degradation on the South, the men of the South would resist, and that, if in the conflict, the Union should be dissolved, Southerners would not be responsible.

Brown denied that he harbored disunion sentiments, but boldly proclaimed that he preferred a dissolution of the Union to sectional and social degradation. He exclaimed:

> Does any man desire to know at what time and for what cause I would dissolve the Union, I will tell him. At the first moment after you consummate your first act of agression upon slave property, I would declare the Union dissolved; and for this reason: such an act, perpetuated after the warning we have given you, would evince a settled purpose to interpose your authority in the management of our domestic affairs, thus degrading us, from our rightful position as equals to a state of dependence and subordination. Do not mistake me; I do not say that such an act would, *per se*, justify disunion; I do not say that our exclusion from the Territories would alone justify it; I do not say that the destruction of the slave trade in the District of Columbia, nor even its abolition here, nor yet the prohibition of the slave trade among the States, would justify it. It may be, that not one, nor two, or all of these combined would justify disunion. These are but the initiative steps—they lead you on to the mastery over us, and you shall not take those steps.

He begged the North to remember, before the first fatal step was taken, that Southerners had interests involved that they could not relinquish. The direct pecuniary interest bound up with the issue was not less than twenty hundred millions of dollars, and yet the loss of that would be the least of the calamities that would be entailed on the Southerners. For their country would be made desolate and they would become landless and homeless exiles; or, ten thousand times worse, they would remain in the country and see themselves degraded to a social position with the black race. Sooner than submit to this, Brown declared, the South would dissolve a thousand unions.

Turning his attention to the admission of California, Brown urged, in addition to the objections based on the course of the administration, the more serious one that the admission of California as a state would unhinge the balance between the two sections of the Union,

give the North the dangerous preponderance in the Senate so long desired by ambitious politicians, and open the way for the admission of other free states until the North would have the majority of states required to amend the constitution. When this was done, Brown asserted, that pubic opinion to which Senator Seward so significantly alluded would make its power felt, universal emancipation would become the rallying cry, and the constitution would be changed. To prevent this, Southerners should resist the introduction of California as a state by their votes first and then by other means. The Southern members of Congress could, at least, force an adjournment without the admission of California; and, this being done, the South was safe, for the Southern states, in convention at Nashville, would devise means for vindicating their rights. What those means would be, Brown did not know; but he did know that they might with propriety and safety be the carrying of slaves into southern California, as the property of sovereign states, and the holding of them there, and the defending of them if they were molested.

Brown concluded his speech by summing up in one sentence his position in regard to the course the South should take concerning the extension of slavery in the territories:

> We ask you to give us our rights by *non-intervention*; if you refuse, I am for taking them by *armed occupation*.[11]

Clingman, of North Carolina, had, already, in a speech as extreme as Brown's, proclaimed to the country that Southern Whigs, as well as Southern Democrats were ready to dissolve the Union if justice were not done their section.[12] Finally, the Whigs and the Democrats in the House from the South proved their determination to force Congress to offer a measure of compromise acceptable to the slave-holding states by uniting in a successful filibuster to prevent the passage of a resolution instructing the committee on territories to prepare and report a bill providing for the admission of California into the Union on an equal footing with the original states, with the boundaries defined in her constitution, and forbidding the committee to embrace in the bill any matter relating to territory without the limits of the proposed state of California.[13]

---

[11] Speech of A. G. Brown, January 30, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 261.
[12] Speech of Clingman in the House, January 22, 1850, *Ibid.*, 200.
[13] *Ibid.*, 375–385.

It is evident, from what has been said, that the senators and representatives from Mississippi and other members of Congress from the South were seriously alarmed in the early months of 1850, both for the preservation of the rights of the South and for the safety of the Union. As the strength of the opposition in Congress developed, they became less hopeful of an adjustment of the questions in dispute by peaceable or constitutional means and of the preservation of Southern rights within the Union.[14] But believing that the only hope of preserving the Union lay in securing a measure of compromise that would protect the rights of their section, they threw themselves wholeheartedly into the task of convincing the North that a dissolution of the Union would follow a denial of the demands of the South.

They had speedy evidence of their success. Before the end of January the *National Era* declared that Meade, Toombs, Stephens, Colcock, Hilliard, and Johnson in the House and Foote, Borland, Clemens, Mason, Butler, and Davis in the Senate were disunionists and, if they fairly represented the South, it could not see how the Union could continue much longer.[15] But, most significant of all, the *National Intelligencer* was at last convinced that the Union was in danger. On February 2, that important Whig journal broke its silence on the questions that were threatening to convulse the country. It declared that there was a deep and settled determination in the Southern states, accompanied by a highly excited state of feeling, to try the strength of the South against Northern friends as well as fanatics. The revelation of the actual state of things, the *Intelligencer* asserted, was so recent that it was still stunned. There had been no signs of the storm in the presidential contest of 1848 and there were no new grounds for alarm. It could not understand what could have come over the South, especially Georgia, North Carolina, Virginia and Maryland, and what was the secret of all its preparation, solemnity, and mystery.[16]

The *New York Tribune* also lent its aid to convincing the North that the South was preparing to dissolve the Union if its demands

[14] Letter of Alexander H. Stephens to his brother, January 21, 1850, Johnston and Browne, *Life of A. H. Stephens*, 244; Letter of Colonel McWillie to Governor Quitman, *Columbus Democrat*, February 23, 1850; Letter of Calhoun to Hammond, February 16, 1850, *Calhoun Corresp.*, 781.

[15] *National Era*, January 24, 1850.

[16] *National Intelligencer*, February 2, 1850.

were not granted. It published a communication from a Washington correspondent concerning a disunion organization in Washington composed of Southern senators and representatives. The members of the organization, according to the communication, were opposed to any compromise and would consider only the one proposed by Jefferson Davis in his objections to Clay's resolutions, i.e., the extension of the Missouri compromise line to the Pacific.[17] The editor of the *Tribune* declared:

> Instead of scouting or ridiculing as chimerical the idea of a dissolution of the Union, we firmly believe that there are sixty members of Congress who this day desire it and are plotting to effect it. We have no doubt that the Nashville Convention will be held, and that the leading purpose of its authors is the separation of the slave states from the free, with the formation of an independent Southern Confederacy."[18]

But the crisis had passed. Even in the early days of February indications began to appear that the conservative element was in the majority in both sections and would be willing to make concessions that would effect a compromise, which would not satisfy the demands of the extremists of either side. The vote in the House, on February 4, to table Root's resolution, showed that that body was willing, at last, to give up the Wilmot proviso.[19] Clay's resolutions and his speech in support of them had great effect on Southern Whigs in quieting their alarm and making it appear possible to them to effect an adjustment that would protect the rights of the South within the Union. Moreover, as public sentiment in the slaveholding states became more definitely formulated and authoritatively expressed, it became evident that, although the majority in the South were opposed to the admission of California with its extended boundaries and under the constitution it had adopted, they were unwilling to declare

[17] *New York Semi-weekly Tribune*, February 6, 1850. The correspondent stated that the members of the organization had intimidated several Southern senators who were advocates of the Union and had made others from the North believe that the organization had gone so far so as to make separation inevitable if their demands were not granted, by disclosing to them that through committees of correspondence and vigilance their organization was in daily communication with every slave state, exhibiting the program of the constitution for a new republic to be submitted to the Nashville convention, and pretending that a course of action was agreed upon that would render a collision between the United States forces and theirs inevitable and thus unite with them every slave state.

[18] *Ibid.*, February 27, 1850.

[19] Root's resolution instructed the committee on territories to report to the House a bill or bills providing for a territorial government or governments for all that part of the territory ceded to the United States by Mexico lying eastward of California, and prohibiting slavery therein. *Cong. Globe*, 31 Cong., 1 Sess., 276.

that such a measure should be resisted. The Southern Whigs were especially opposed to committing the South to such a policy and the extreme pro-slavery Whigs in Congress took the position that they were willing to acquiesce in the admission of California as a free state provided the right of the citizens of the slaveholding states to carry their property in slaves into the remainder of the territory acquired from Mexico and to have it protected there was recognized.[20]

Thus even before Calhoun, the dominant factor in the Southern movement and the great exponent of Southern rights, set forth his position, it was evident that he could not carry his section with him in an extreme policy. During the first three months of this Congress Calhoun was convinced that he had at length succeeded in his great task of uniting the South in defense of its rights, and that it was agreed on terms of settlement and would consent to no diminution of them by way of compromise.[21]

But, although he saw no prospect for an adjustment satisfactory to his section within the Union, since he believed the North was as determined as the South to grant no concessions,[22] before he said the final word in favor of dissolution, Calhoun made one last effort to secure the protection of Southern rights within the Union.

Too ill to speak, he carefully prepared a speech and, with the shadow of death upon him, lent the influence of his sombre presence to the reading of it in the Senate by his friend and follower, Mason, of Virginia. After warning the country that the agitation of the slavery question had endangered the Union, Calhoun declared that there was but one way by which it could with any certainty be saved and that was by a full and final settlement, on principles of justice, of all the questions at issue between the sections.

The North, as the stronger section, could easily effect such a settlement, he asserted. She had only "to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully

[20] Letter of Alexander H. Stephens to his brother, February 24, 1850, Johnston and Browne, *Life of A. H. Stephens*, 249; Speech of Toombs, February 27, 1850, *Cong. Globe*, 31 Cong., 1 Sess., appx., 198–201.

[21] Letters of Calhoun, December 1849, and January and February, 1850, *Calhoun Corresp.*, 776–783.

[22] Letters of Calhoun December, 1849, and January and February, 1850, *Calhoun Corresp.*, 776–783.

fulfilled—to cease the agitation of the slave question, and to provide for the insertion of a provision in the constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this government."

Whether the North would agree to this, was for its representatives in Congress to answer. The time had come for an open avowal on all sides as to what was intended to be done. If the senators who represented the stronger portion of the Union could not agree to settle the questions at issue on the broad principles of justice and duty, they should say so and let the states agree to separate and part in peace. But, if they were unwilling that the South should depart in peace, they should so declare and the South would know what to do when the question was reduced to submission or resistance. If the Northern senators remained silent, the South would be compelled to infer by their acts what they intended and, in that case, California would become the test question. If they admitted her, under all the difficulties that opposed her admission, they would compel the South to infer that they intended to exclude it from the whole of the acquired territories, with the intention of destroying irretrievably the equilibrium between the two sections. Southerners would be blind not to perceive, in that case, that the real object of their opponents was power and aggrandizement, and infatuated not to act accordingly.[23]

But Calhoun, in the terms of settlement he prescribed, had not simply overshot the demands of Southern Whigs, but had also exceeded those of the more radical Southern Democrats. Even the Mississippi senators declined to support his demand for an amendment to the constitution to restore to the South the power of protecting herself. Foote, who had been active in the Southern movement since its inception and in close touch with Calhoun, broke with the South Carolinian on this question; and, from this time, there is evidence of the growing cleavage between him and the Southern radicals and of his approach to the position of Clay and the other Southern Whigs.[24]

---

[23] Speech of Calhoun, March 4, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 451–455.

[24] It is but fair to Foote to call attention to the fact that, though he had helped to organize the Southern movement and had worked energetically to arouse and unify the South and to alarm the North, he had never completely agreed with Cal-

Fearing that Calhoun's speech would be considered in the North as voicing the public sentiment of the South, and that its effect would be adverse to all efforts at compromise and fearing especially its influence on the formation of the compromise committee for which he was working,[25] Foote took the first opportunity to seek to reassure the growing spirit of compromise so seriously imperilled by the great South Carolinian, by disavowing, for himself and his section, the extreme demand of Calhoun. He said that Calhoun's speech had, in his opinion, been written without consultation with any other Southern senator and that no other senator would be willing to become responsible for portions of it.[26] He protested against the demand for an amendment to the constitution to restore to the South the power of protecting itself as impossible of performance, or certainly of being complied with at that session of Congress; as wholly repugnant to the attitude previously assumed by the South and by Southern senators and representatives in Congress, who had up to that time con-

---

houn in regard to either policy or doctrine. In September, 1849, he had sought to get Calhoun to support the policy of admitting California as a state under Southern auspices and of making provision for New Mexico by providing for its admission when a sufficient number of persons of American birth should become resident there and, in the meantime, prohibiting all legislation on the subject of slavery either by Congress or by the territorial legislature. It seemed to him that in that way the honor of the South might be saved and the population of both California and New Mexico so effectually conciliated as, in time, to lead to most advantageous results. (Letter of Foote to Calhoun, September 25, 1849, *Calhoun Corresp.*, 1205). From his speeches and resolutions in Congress, it has been seen that he differed from Calhoun on the essential points of the power of Congress in the admission of new states and of the constitutional right of secession. Finally, he was, from the first, eager to effect a compromise acceptable to the South by combining all the questions in dispute in one measure and had introduced in the Senate both a bill and resolutions for that purpose and was, at that time, actively engaged in advocating the appointment by the Senate of a committee to report such a measure. But there was a more fundamental difference between the two men than these of doctrine and policy, which made a break between them in a crisis like this inevitable. Foote was an opportunist in character and politics; Calhoun was not.

[25] On February 25, Foote made another effort to secure a committee of compromise by making a motion for the appointment of a committee of thirteen with instructions for the purpose of maturing a scheme of compromise for the adjustment of all pending questions growing out of the subject of slavery. *Cong. Globe*, 31 Cong., 1 Sess., 416, 418. Davis supported Foote's motion for the appointment of the committee, but he was careful to state that he would not be bound by the decision of the committee. *Ibid.*, 420.

[26] Foote afterwards explained that he made his objections to Calhoun's speech after a conference with Clemens, Mangum, and Turney, all of whom were friends of Calhoun and agreed with him that one of Calhoun's friends should put in a protest against Calhoun's demand for a constitutional amendment and thus, by anticipating Benton, save themselves and their cause from a highly detrimental assault. *Cong. Globe*, 32 Cong., 1 Sess., 51.

tented themselves with relying upon the constitution as it was; as most inopportunely proposed at a time when the spirit of brotherly consideration and compromise was beginning to mark the proceedings of Congress and of large public assemblages, and when he, for one, confidently hoped that if a special committee of thirteen could be raised in the Senate a general scheme of pacification would be speedily agreed upon; and, finally, as tending to procrastinate a settlement and make disunion inevitable.[27]

Even Davis, who, unlike Foote, was in complete harmony with Calhoun in political principles, was not ready to declare that an amendment to the constitution was necessary to settle the issue between the sections. In expressing his agreement with Calhoun as to the measures that were necessary to settle the slavery question, he stopped when he came to the final one of an amendment to the constitution. But out of respect for Calhoun, or because he was not unwilling to hold such a measure in reserve, he added that events had forced upon him the conviction that such an additional protection to the South, if it were not then necessary, would become so. In fact, the demands of Davis had not varied since the beginning of the session of Congress, and in setting them forth again on March 14, he, rather than Calhoun, delivered the ultimatum of the group of Southern Democrats to which they belonged. What he preferred above all, he declared, was non-intervention, "that is, an equal right to go into all terri-

[27] Speech of Foote, March 5, 1850, 31 Cong., 1 Sess., 461–463.

Later Foote more than intimated that Calhoun was working to break up the Union. He charged Calhoun with obstructing all compromise by denouncing the very name of compromise, by actively opposing the raising of the committee of thirteen, and by deliberately undertaking to raise a new issue that he know was calculated to add to the existing irritation and postpone, if not utterly defeat, all satisfactory settlement, when he knew that the meeting of the Nashville convention was but little more than two months off, that excitement was every day growing more intense, and that a delay in settling the questions at issue would devolve, on that body, the most fearful responsibility of a final decision of those questions. In furtherance of compromise, Foote was unwilling to admit that, under existing circumstances, Calhoun's influence could break up the Union and yet he wished to point out the danger to which his course was exposing the country. Therefore, he declared that Calhoun must have known that, if the Nashville convention had been permitted to assemble without the healing influence of certain speeches in Congress and public meetings in Philadelphia and New York, whether it was not likely that his influence would have been strong enough to induce the convention to demand the change in the constitution that he demanded; and that he also must have known that, if such a demand had been made, it would not have been granted and that its rejection would have resulted in a dissolution of the Union. *Cong. Globe*, 31 Cong., 1 Sess., 520.

tories—all property being alike protected;"[28] but in default of this, he added:

> I will agree to the drawing of the line 36° 30′ through the territories acquired from Mexico, with this condition, that in the same degree as slavery is prohibited north of that line, it shall be permitted to enter south of the line; and that States which may be admitted into the Union shall come in under such constitutions as they think proper to form.[29]

Foote, however, would not support the ultimatum of Davis; and, on this issue, he began his withdrawal from the radical Southern Democrats, which his break with Calhoun had foreshadowed, and his dispute with his colleague as to which represented the public sentiment of their state. He took his position squarely upon non-intervention, or the organization of territorial governments without the Wilmot proviso or any other restriction on the subject of slavery; and declared that, while he might not be in harmony with the South generally, he was certain that he was in unison with his own state. In support of this statement, he cited the resolutions of the October convention and the speech of Chief Justice Sharkey before that convention as proof that the people of Mississippi, occupying strict non-intervention ground, demanded only that Congress should refrain from all legislation hostile to Southern rights and relied upon the judiciary for the decision of all questions which might arise in regard to the legality of slavery in the territories.

But measures of compromise satisfactory to Foote were not sufficiently assured for him to be willing to renounce the threat of secession or to abandon the plan of the Nashville convention. Therefore he added that he understood "every state of the South, including Mississippi, to declare—that if the course of aggression, heretofore pursued, should be obstinately persisted in—if tyranny and injustice should be practiced, which might be justly regarded as amounting to *intolerable oppression*—then would the right of *secession* arise as an extra-constitutional, or, if you please, a revolutionary remedy—authority to resort to which, in such a case, no freeman, worthy of the name, will ever gainsay." Such he understood to be the precise attitude of the state of Mississippi, upon the suggestion of which the proposi-

[28] *Cong. Globe,* 31 Cong., 1 Sess., 520.
[29] Speech of Jefferson Davis, March 14, 1850, *Ibid.*, 531

tion to hold a Southern convention in Nashville was first entertained by the Southern states.

But since Foote's object was to promote a more yielding spirit in the South, he hastened to add that the Nashville convention had not been recommended by Mississippi for disunion purposes and that he hoped that the holding of the convention would be rendered unnecessary by the adoption by Congress of certain healing measures that were beginning, as he thought, to be generally regarded as more than likely to be ultimately matured and carried into effect. He declared that he could not concur with his colleague in the rather despondent opinion that there was no prospect of passing a bill through both houses of Congress for the establishment of territorial governments without any restriction in regard to slavery; but that, from information obtained from members of both houses of Congress, he had been led to the conclusion that such territorial bills as he had described would unquestionably pass both the Senate and the House, if they could ever be put fairly in progress; and that he did not doubt but that the other questions might be satisfactorily adjusted, whenever the Senate should conclude its angry and unprofitable discussions and enter, in the proper spirit, upon the pathway of practical duty.[30]

That Foote was right in the opinion that the questions at issue between the two sections would be adjusted, even the most radical in both sections were coming to believe. After Webster's speech of the seventh of March, in which, for the sake of the Union, he supported Clay's resolutions of compromise, Calhoun came reluctantly to the conclusion that, if Webster were sustained by New England, it was not improbable that the questions at issue between the two sections might be patched up for a few years.[31]

The *National Era* had already lost faith in Northern congressmen's holding out for the extreme demands of their section and prophesied the success of the compromise. It asserted that the business interests of the North had become alarmed at the threats of disunion spread abroad by the Washington correspondents and had decreed that all agitation must stop. As evidence of their success, it pointed out that Winthrop, who represented the mercantile interests of Boston, had

[30] Speech of Foote, March 14, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 532–533.

[31] Letter of Calhoun to Thomas G. Clemson, March 10, 1850, *Calhoun Corresp.*, 784.

announced his adoption of the policy of the administration; that Webster, whose business it was to look after the interests of the cotton spinners, consulted with Southern men and considered schemes of compromise; that the shopkeepers of New York had assembled to save the Union and passed resolutions in favor of the resolutions of Clay; and that the people of Philadelphia had publicly confessed their sins and promised to do all the South required.[32]

Indeed it was becoming evident to all that the conservative elements were in the ascendency in both sections and that they were demanding some adjustment of the slavery question that would stop all agitation; and it was also beginning to be equally apparent that, in Congress, a party in favor of compromise was forming around Clay and that Southern Whigs and Northern Democrats would unite to carry through the measures proposed in his resolutions.[33]

But the party of compromise was not yet sufficiently strong to put through congress a measure over the opposition of the Southern Democrats, the Northern Whigs, and the administration, which the influence of Seward was holding firm in the policy of admitting California as a state and non-action in regard to the other territories. Moreover the Southern Whigs were determined that a bill for the admission of California should not be passed unless combined with it was a provision for the organization of the other territories without excluding slavery. Therefore, Clay welcomed the overtures of two such important Southern Democrats as Foote, of Mississippi, and Ritchie, editor of the organ of the Democratic party in Washington, and agreed to support the plan, suggested by Ritchie and proposed in the Senate by Foote, for the formation of a select committee of thirteen, the object of which, according to Foote, was to link the settlement of all the questions at issue in one bill, to get for such a settlement the support of the united influence of the thirteen senators composing the committee, and finally to carry the measure through by enabling "Senators and members of the other House to vote more boldly, and resolutely, and safely, for measures perhaps somewhat distaste-

[32] *National Era*, March 7, 1850.

[33] Evidence of this is found in the McClernand bill, *Cong. Globe*, 31 Cong., 1 Sess., 628; Letter of C. S. Morehead to J. J. Crittenden, March 30, 1850, Coleman, *Life of J. J. Crittenden*, I, 361; Letter of R. Toombs to J. J. Crittenden, April 25, 1850, *Ibid.*, 364; Letter of Alexander H. Stephens to his brother, May 10, 1850, Johnston and Browne, *Life of A. H. Stephens*, 254.

ful, as they might have reason to suppose, to their constituents, when they are authorized and enabled to declare that they voted as they did upon the counsel and example of distinguished gentlemen, whose reputation and influence pervade the whole land."[34]

The Southern Democrats had already declared in favor of the appointment of the committee and, in spite of the efforts of Benton and Northern radicals to block the measure by excluding from the consideration of the committee important questions in the controversy,[35] on April 18, a resolution passed the Senate, by a vote of 30

---

[34] *Cong. Globe*, 31 Cong., 1 Sess., 713.

Foote gives the following account, in his "Casket of Reminiscences" of Ritchie's overture to Clay in regard to the committee of thirteen: "Mr. Ritchie came to me one morning a few weeks after Mr. Clay had reached Washington, in company with General Bayley, of Virginia, and urged that we two should call on Mr. Clay and ask him to offer a resolution in the Senate for the raising of a committee of thirteen, through the instrumentality of which he thought that the great and alarming differences then existing might be reconciled and general national brotherhood be re-established. . . . . Mr. Ritchie, in addition, authorized us to give in his name to Mr. Clay a most explicit pledge that, should he conclude to adopt the course thus indicated, he would support him to the utmost in the widely-circulated newspaper he was then editing. General Bayley and myself called that evening upon Mr. Clay in his parlor at the National Hotel. He met us in the most gracious and cordial manner, and received with evident pleasure the communication with which we had been entrusted by Mr. Ritchie. He declared his warm approval of the plan of operation suggested by that gentleman, but stated that, for various reasons of a very peculiar and delicate character, he would prefer that the resolution proposing the committee of thirteen should be brought forward in the Senate by some other individual. I agreed to offer it, on the express condition that I should not be made one of its members, and that Mr. Clay himself should consent to preside over the deliberations. No one will be surprised to learn that, in a day or two after, Mr. Clay and Mr. Ritchie met, became cordially reconciled to each other, and consulted together often in the most fraternal manner at every stage of the great struggle which at last resulted in the adoption of the compromise of 1850. Foote, *Casket of Reminiscences*, 25–26.

It is evident from Clay's opposition to the committee of thirteen when it was first proposed, and from the course of Ritchie in the *Union* and of Foote in the Senate that this account of Foote's, given so many years after the interview between him, and Clay, was not entirely accurate. But the pages of the *Congressional Globe* and the *Washington Union* both furnish evidence of an understanding between Clay, on the one hand, and Ritchie and Foote, on the other, and there is contemporary evidence of an interview between Clay and Ritchie that serves to fix the date of their understanding more nearly than Foote's reminiscences. The *National Intelligencer* of March 26, 1850, notes the change in the tone of the *Union* and C. S. Morehead, a Whig representative from Kentucky, in a letter to Crittenden, dated March 30, gives the following explanation of the change: "Mr. Clay sent for old Mr. Ritchie and had a long confidential conversation with him upon this subject. The tone of the *Union* is evidently changed since that time. You may notice that he speaks much oftener in favor of the Union than he did. This is not generally known." Coleman, *Life of J. J. Crittenden*, I, 364.

[35] It was during this struggle over the appointment of the committee of thirteen that the disgraceful scene between Foote and Benton took place in which Foote "drew a pistol on" Benton. *Cong. Globe*, 31 Cong., 1 Sess., 762.

to 22, for the referring of Clay's resolutions and others of similar purport to a select committee of thirteen with instructions to mature a plan of compromise for the adjustment of all pending questions growing out of the institution of slavery and to report to the Senate by bill or otherwise.[36]

As it had been understood, Clay was selected chairman of the committee and the six representatives from each of the two sections were evenly divided between the two parties. From the South, the Whigs selected were Mangum, Bell, and Berrien and the Democrats were Mason, King, and Downs; from the North, the Whigs were Webster, Cooper, and Phelps and the Democrats, Cass, Bright, and Dickinson.[37] It was evident from the composition of the committee that Clay's views would prevail and measures would be reported in harmony with his resolutions.

On May 8, 1850, Clay made the report to the Senate from the committee of thirteen and introduced the bills that it had drawn up for settling the questions at issue. The recommendations contained in his report Clay recapitulated as follows:

1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States.
2. The admission forthwith of California into the Union with the boundaries which she has proposed.
3. The establishment of territorial governments without the Wilmot proviso for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California.
4. The combination of these two last-mentioned measures in the same bill.
5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated in the bill admitting California and establishing territorial governments for Utah and New Mexico.
6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State.

And 7. Abstaining from abolishing slavery; but, under a heave penalty, prohibiting the slave trade in the District of Columbia.[38]

No minority report was brought in; but Phelps, Cooper, Mason,

---

[36] *Ibid.*, 774. The resolution was carried by the vote of all the Southern senators, both Whigs and Democrats, except Benton, and of seven out of the sixteen Northern Democrats.

[37] *Ibid.*, 780.

[38] *Ibid.*, 946.

Downs, and Berrien, immediately after the reading of the report, made statements to the Senate of the points in the report to which they objected. In fact, there was unanimity in the committee only in the construction of the compact under which the state of Texas was annexed. This, taken with the objections that were immediately raised in the Senate against it, furnished ample evidence of the opposition the program of the committee would receive in that body.

What action the Senate and the House would take in regard to these recommendations of the committee of thirteen depended on the attitude of the country toward the question of compromise. The attitude of Mississippi and the other Southern states may be measured by the progress of public sentiment in regard to the Nashville convention.

CHAPTER VI.

THE NASHVILLE CONVENTION.

The measure around which the leaders of the South sought to develop the Southern movement and through which they expected to unite the South on a definite policy in defense of its interests was a convention of all the slaveholding states. As has been seen, the measure was advocated in South Carolina and other Southern states in the beginning of the struggle over the Wilmot proviso. Although it was not mentioned in the Southern address, Calhoun, in his correspondence, urged on his followers in different states the calling of such a convention; and, finally, in accordance with his advice, the convention composed of representatives of both political parties in Mississippi, in October, 1849, called a convention of the slaveholding states to meet in Nashville on the first Monday in the following June, "to devise and adopt some mode of resistance" to the proposed aggressions against the rights of the South.

The action of the Mississippi convention met with hearty approval both in Mississippi and the other Southern states. The legislature of Mississippi, when it met in January, 1850, in addition to sanctioning the calling of the Southern convention, gave that meeting a more formal character by disregarding the appointment of delegates by the October convention and appointing others to represent Mississippi and directing that their expenses should be paid out of the state treasury. The legislature, also, pledged the state of Mississippi to stand by and sustain her sister states of the South in whatever course of action might be determined on by the convention.[1]

Through the press, public meetings, and their legislatures, the other slaveholding states expressed their approval of the holding of the convention to enable the South to unite in an effort to preserve its

[1] *Laws of the State of Mississippi*, 1850, 522–526.

rights and save the Union.[2] The strength of the movement became such, during the stormy days of the efforts to organize the House and the first attempts of Congress at legislation, that even the house of delegates of the Maryland legislature passed, by a unanimous vote, a resolution proclaiming the willingness of Maryland to be represented at Nashville.[3]

But, with the arousing of the conservative sentiment in both sections and the development of a spirit of compromise, the support of the Nashville convention began to decline. As the Southern Whigs joined the movement in favor of the compromise and became more and more confident that measures would be devised by Congress that they could accept, they began to think that the Nashville convention was unnecessary and to fear that its influence would be adverse to measures of adjustment that they would be willing to accept. The supporters of the compromise, therefore, sought to discredit the convention by urging against it the charge, which its enemies had brought against it from the first, that its purpose was to bring about a dissolution of the Union.[4]

The effect of the growth of sentiment in favor of the compromise and in opposition to the Nashville convention soon made itself felt throughout the South. The state legislatures that had not already taken action with reference to the selection of delegates to Nashville refused to do so and in the states where elections had been ordered the results were disappointing to the friends of the convention.[5] Only in South Carolina and Mississippi did public sentiment seem to continue in favor of the convention.

On the latter state rested the responsibility of having called the

[2] The approval of the Nashville convention by the legislatures of different Southern states may be found as follows: Virginia, *National Era*, February 21, 1850; Georgia, *Cong. Globe*, appx., 32 Cong., 1 Sess., 344; Tennessee, *National Era*, February 21, 1850; Alabama, *New York Semi-weekly Tribune*, February 27, 1850; Louisiana, *Natchez Weekly Courier*, March 6, 1850.

[3] *National Intelligencer*, February 2, 1850.

[4] *National Era*, February 21, 1850; *New York Semi-weekly Tribune*, March 2, 1850; *Ibid.*, March 30, 1850; *National Intelligencer*, March 9, 1850; *Ibid.*, March 26, 1850.

[5] In Virginia, the northwest and Richmond, Petersburg, Norfolk, and the county of Albemarle voted against sending delegates to the convention. *Cong. Globe*, 31 Cong., 1 Sess., appx., 599. In Tennessee, Nashville itself resolved by an overwhelming majority to choose no delegates. *Ibid.*, 600. The vote in the election of delegates in Georgia was so light as to amount to a condemnation of the convention. *New York Semi-weekly Tribune*, April 20, 1850.

convention and, as both parties were equally responsible, neither could lightly turn against the measure or charge it with having been designed for the purpose of disunion. As the delegates had already been appointed, there was no opportunty of testing the popular sentiment in the state in favor of withdrawing from the movement. But in Mississippi, as elsewhere in the South, as the sentiment in favor of compromise developed, the Whigs began to turn from the support of the Nashville convention. As early as March 9, a public meeting in Hinds county declared that, since it was evident that Congress would not pass the Wilmot proviso and infringe upon the rights of the South in the new territories, it was advisable to abandon the Nashville convention.[6]

By the first of April, the *Columbus Whig,* among other papers, was engaged in belittling the convention. It asserted in its issue of April 4:

> So far as our views are concerned, we are amongst the number of those who attach little or no importance to the proposed meeting. We regard it much less incapable of harm than its enemies apprehend, and far less powerful for good than its friends imagine. It is now, we think, reduced to a certainty that the convention, if held at all, will be too limited, in representation and numbers, to secure much "faith or credit to its official acts" in behalf of the whole South. Not only from present indications will a large number of the Southern States be unrepresented, but the delegates from those that are, in the absence of a popular commission, will hardly be able to consider themselves as the regularly constituted ministers of State sovereignty, or even as the accredited organs of Southern sentiment. In this state of things, the gentlemen who attend the deliberations at Nashville will simply exercise the right which we all have of expressing our private and individual opinions upon questions of public interest. Should they assume to do anything more, such usurped privileges would meet the disregard, as the convention itself seems to have met the indifference of the people.[7]

By the time of the report from the committee of thirteen, even Judge Sharkey was convinced that "the convention movement would result in a total failure." To him:

> It seemed impossible to rally the South in vindication of her rights. The advices from Washington City seemed to dispel any hope of a creditable convention, and a failure could have no other effect than to encourage the aggressions on the South.[8]

---

[6] *National Intelligencer,* April 6, 1850.
[7] Quoted from the *Columbus Whig* in the *Hinds County Gazette,* April 19, 1850.
[8] Letter from Judge Sharkey to the editor of the *Southron,* Jackson, June 21, 1850, in which he explains his letter to Foote approving the compromise. *Mississippi Free Trader,* July 3, 1850.

Therefore, believing that the compromise formulated by the committee of thirteen was the best that could possibly be obtained,[9] he gave in his adherence to that measure. He, also, advised Foote to support the compromise in the Senate and assured him that the mass of the Southern people would be content with it and that he would be sustained in its support by the Whigs generally and, also, by the moderate men of his own party.[10]

In the meantime, the Democratic party in Mississippi, not satisfied with the measures of compromise the Southern Whigs were becoming willing to accept and undaunted by the evidences of a falling off in the support of the Nashville convention, remained true, in the main, to its earlier views in regard to a Southern convention.[11] In early April the *Mississippi Free Trader* sought to stay the progress of sentiment in favor of compromise and in opposition to the convention by calling attention to the disapproval of Webster's seventh of March

---

[9] *Mississippi Free Trader*, July 3, 1850.

[10] The letter from Sharkey to Foote in answer to one from Foote asking advice in regard to his course on the compromise is an interesting bit of evidence both as to the progress of sentiment in Mississippi in favor of the compromise and also as to the "rapprochement" between Foote and the Whigs of Mississippi. Sharkey writes to Foote: "I have watched your course with great interest. I am not a politician, and I flatter myself sufficiently above party bias to view events dispassionately. Your whole course on the compromise question is commendable . . . . .

"We must take things as they are and not as we would have them and shape our conduct according to exigencies. It would have been folly to have insisted on what you and I regard as strictly Southern rights. Nothing could have been obtained by that course. If the compromise can be adopted, our honor at least is safe. Indeed, it secures the principle for which we have been contending. The mass of the Southern people would be content with it. True, it does not suit all men. . . Could you do anything that would please all even of your own party? I think not. Ultra men can never be pleased. . . . Take my word for it, conservative men will approve your course. The Whigs generally approve it, and the moderate men of your own party. In short, I think it will be approved by the people. . . .

"I will proceed to answer your specific interrogatory. After stating the terms of the compromise as agreed on by the committee, if I mistake them not, you ask 'would we be justified in supporting this plan of settlement?' I think you would. I would do so were I in your place. I have conversed with many men of both parties on this subject, and I do not think I can be mistaken in saying you will be sustained in that course. A few, chiefly of your own party, would not approve, but I think the number will be small. Indeed, I think if the compromise can be accomplished, it would be a subject of general rejoicing in this State. I say this, too, whilst I would oppose the admission of Cal. as a distinct proposition, not on constitutional grounds, but for other reasons." *Natchez Weekly Courier*, June 18, 1850.

[11] Resolutions of a public meeting of the people of Lafayette county, Oxford, April 30, 1850. *The Organizer*, May 6, 1850.

speech in the North and the approval of leading Whig papers of that section of Seward's "infamous speech." It assured the people of Mississippi that they had little to expect from Congress in the adjustment of the existing difficulties and that the only reason that the Northern majority hesitated to pass the measures of legislation objectionable to the South was that they feared that it might be in earnest in its expression of a determination to resist such measures. This the *Free Trader* urged should show the importance of the Southern states' acting together in the Nashville convention.[12]

The position of those who continued unwavering in their support of the convention and their opposition to the proposed measures of compromise was definitely set forth at a public meeting of the citizens of Hinds county held at Raymond, April 8, 1850, to consider the action of the legislature in regard to the admission of California and the calling of a Southern convention.[13] In the resolutions adopted, those taking part in the meeting expressed the belief that the holding of the convention was the most feasible mode that had been proposed of sustaining the compromises of the constitution and, through them, the rights of the South and thereby preserving the Union; and pledged their lives, their fortunes, and their sacred honor to sustain the measures that it should agree upon. They held the failure of the Southern states to respond promptly to the recommendation for the convention responsible for their not having long since secured all the constitution held out to them and, therefore, severely censured those who had been active in exciting opposition to the convention. They also denied that those engaged in such proceedings were sustained by the sympathy or support of any considerable portion of either party in the state of Mississippi.

In regard to the charge that the design of the convention was to dissolve the Union, they declared that it was false and calumnious so far as the action of the people of Mississippi or of their legislature was concerned; but they added that the question involved was a vital one to them and that their rights under the constitution they were determined to protect in the Union if they could, but out of the Union if they must. They asserted, furthermore, that in all the controversy

[12] *Mississippi Free Trader*, April 3, 1850.

[13] The political character of the meeting may be easily determined by the fact that Governor Quitman and C. R. Clifton delivered formal addresses before it.

the South had constantly stood on the defensive and on the constitution, and that, while it maintained that position, it could never be responsible for the dissolution of the Union; and, finally, that, without the compromises adopted in the constitution, the Union never could have been formed and that, if they were violated, the Union would be dissolved and the constitutional rights of the states destroyed, even though no state should secede.

With reference to the measures that they wished considered and proposed by the Nashville convention, they declared that they were opposed to any settlement that would not fully secure their constitutional rights and place them for all time to come beyond the agitation and aggressions of those who had waged unceasing was against them for twenty years.[14]

As the time for the assembling of the convention approached, the press was filled with expressions of opinion as to what it should do. Perhaps Felix Huston most accurately expressed the views of the radical pro-slavery Democrats on that subject when he declared, in an open letter to the members of the Nashville convention, that the purpose of their assembling in convention was to take "into consideration the proper course for the slaveholding states to pursue in

---

[14] Resolutions of the Public Meeting at Raymond, April 8, 1850, *Mississippi Free Trader*, May 4, 1850.

In the final resolution of the series, the meeting requested the delegates from Mississippi to bring before the Nashville convention for its consideration and deliberation a list of subjects that reveals clearly the fears for the future that were beginning to arouse in the non-slaveholders as well as the slaveholders of Mississippi the conviction that their interests were not safe within the Union. The list is as follows:

"1. By the expiration of the present century, which of the present slave states will probably become free ones? 2. By the same period the probable black population of the United States? 3. The population of slaves to the square mile, which the then slave states may be able to bear in tranquillity, with a due proportion of whites, bearing in mind that at the commencement of the revolution in St. Domingo, the blacks were less than fifteen to the square mile? 4. The legislation by Congress necessary to produce and perpetuate an equilibrium in the two portions of the confederacy? 5. Whenever the free states constitute three-fourths of the Confederacy, is it not to be apprehended that the Constitution of the United States will be amended, and slavery abolished throughout the Union, and is it not reasonable to believe it may be done at no remote period? 6. Nearly all of the free states having prohibited the ingress of free blacks, and the prominent abolitionists being opposed to colonization, it is not to be inferred that there is a fixed design that the home of the black men shall be upon the soil last trod by the slave? 7. As the slaves are being rapidly moved to the Southwest, is it not to be presumed that whenever a general emancipation takes place, several of the southwestern states will be abandoned by the whites and entirely populated by the blacks?"

order to secure their rights under the Constitution of the United States and preserve their equality as members of the Confederacy; or, failing therein, bring about a separation of the Union, and the establishment of a Southern Confederacy."[15]

On the other hand, T. J. Wood, a Whig delegate to the Nashville convention had a very different opinion as to what the proceedings of the convention should be. He writes the editor of the *Safeguard*:

> I can say that I suppose the Legislature intended by its action that the convention ought to meet; that it ought to set forth in a strong and unequivocal manner, the aggressions of the North upon our rights; that it ought to point out the violations of the Constitution; that it ought to say to the North "thus far you may come, but no farther."[16]

The Southern convention assembled in Nashville, June 3, 1850. The lack of support that had been long foretold for it was realized; for only nine of the slaveholding states were represented[17] and those,

---

[15] *Mississippi Free Trader*, May 25, 1850.

[16] Letter of T. J. Wood to W. P. Donnel, Editor of the *Safeguard*, Pontotoc, April 22, 1850, *The Organizer*, May 11, 1850.

In this letter, in answering the question, addressed to him by the editor of the *Safeguard*, "Do you, as one of the delegates, feel yourself authorized to attend a meeting that has for one of its objects, secession from the Union?" Wood made a skillful defense of the convention against that charge. "This interrogatory seems to assume, *as a fact*," he asserts, "that one of the objects of the Convention at Nashville, IS SECESSION. I have not so understood the objects of the Convention. But on the contrary, the principal object of the Nashville Convention, as I have understood is to call our erring brethren of the North, *back into the Union.* I hold that when Congress or the Government of the United States disregards the Constitution, its acts are without authority. I hold that when Congress or the Government of the United States takes jurisdiction of the subject of slavery, for any other purpose than to fix the ratio of representation, direct taxes, and to provide for the recapture of fugitive slaves, the Congress or the Government itself, so far as any such act is concerned, (except the three cases above enumerated) *has seceded from the Union.* I go further and say that the Northern States of this confederacy, by failing to execute that clause of the Constitution which binds them to give up our run-away slaves, have as to that subject, seceded and dissolved the Union. And that the Union without that clause of the Constitution, is *not* the Union, handed down to us by our fathers. *It is not such a Union as they would have formed nor is it such a Union as we ought to form or submit to, OR DESIRE TO SEE CONTINUED.* And, in my judgment, the objects of the Nashville Convention are to call the Northern States, the Northern people and the Congress and Government of the United States *back to the Union*, and to point out the *dangers of* secession, to take steps by united and concerted action, throughout the whole South, without distinction of party, whether Democrats or Whigs—progressive or conservative—to resist at all hazards, these dangerous departures from the Union—the Union given to us by our fathers—the Union upon the Constitution, in letter and in spirit—and to prevent the calamities of *secession and disunion.*"

[17] The *National Intelligencer*, of June 8, gives 6 delegates from Virginia, 17 from South Carolina, 12 from Georgia, 21 from Alabama, 11 from Mississippi, 1 from

for the most part, by very few delegates or delegates whose credentials were not of such character as to give weight to the proceedings of the convention.[18]

Mississippi was represented by the full number of delegates fixed by the October convention and confirmed by the legislature. But the difference in the support given the convention by the two parties in Mississippi is clearly indicated by the fact that every delegate appointed by the legislature from the Democratic party attended, while only three of the Whigs appointed were present.[19]

In organizing the convention, W. L. Sharkey, as head of the Mississippi delegation and presiding officer of the Mississippi convention that had called the Nashville assembly, was naturally chosen president of that body. But since he was present in Nashville as much in the hope of preventing the convention from taking any radical action that would prevent Congress from passing measures of compromise as in the expectation that it could devise means to induce that body to modify those measures in favor of the South, his selection was a point in favor of the conservative forces at Nashville. In his opening address, he sought to make the preservation of the Union the key note of the convention and to incline the members of that body to moderation by impressing on them that the convention was called to perpetuate the Union and not to dissolve it.[20]

Texas, 2 from Arkansas, 6 from Florida, and a large number from Tennessee. The *National Era*, of June 13, gives 8 from Georgia, 19 from South Carolina, 11 from Mississippi, 18 from Alabama, 2 from Arkansas, 1 from Florida, 2 from Texas, and 3 from Virginia.

[18] Hinds County *Gazette*, April 19, 1850. *National Intelligencer*, *New York Tribune*, and *National Era*, February-May, 1850. The *National Intelligencer* of July 13, 1850, states that only South Carolina was regularly represented in the Nashville Convention since in that state alone were the delegates chosen by the people. Alabama and Mississippi were represented, but irregularly, since their delegates were chosen by the legislatures. But the other Southern states counted as present had only a few delegates each, in the convention.

[19] The *National Era* of June 13, 1850, gives a list of the delegates from Mississippi as follows: Judge Sharkey, Judge Smith, Judge Clayton, Governor Matthews, Col. Wood, Maj. Neil, Messrs. Pettus, Prewit, Speight, McRay, Wilkinson. But the *New York Tribune*, of June 7, states that T. Jones Stewart took his seat on June 5 and that Murphy and Campbell were appointed from Mississippi on the committee on resolutions. The *Tribune* of June 12 also says that a resolution was was introduced by Walker, of Mississippi. However, among these, only Stewart was one of the delegates appointed by the legislature. The delegates from Mississippi who were not appointed by the legislature may have been named by that body as alternates.

[20] *New York Semi-weekly Tribune*, June 5, 1850.

The great question before the convention, as before the country, was whether it would approve the plan of settlement embodied in the report of the committee of thirteen. The members of the convention, however, showed little disposition to accept the measure proposed by that committee, but unanimously adopted resolutions sustaining the position with reference to the demands of the South that had been taken in Congress and consistently maintained by Jefferson Davis and other members of that body from the South.

In these resolutions, they denied Congress any power under the constitution to create or destroy slavery anywhere and affirmed that it could derive no such power from foreign laws, treaties, the laws of nations, or any other source but an amendment of the constitution itself. They also denied the power of Congress to regulate or prohibit the slave trade between the states and asserted that it was the duty of that body to provide a more effective fugitive slave law.[21] With reference to the extension of slavery in the territories, the convention declared that the territories were the common property of the United States, that the citizens of the several states had an equal right to migrate with their property to those territories and were equally entitled to the protection of the federal government in the enjoyment of that property as long as the territories remained under the charge of the government, that it was the duty of Congress to pass laws recognizing and protecting those rights, and that, by the performance of its duty, Congress would remove the embarrassments in which the country was then involved. But they added that, in the event a dominant majority should refuse to recognize the great constitutional rights they asserted and should continue to deny the obligations of the federal government to maintain them, it was the sense of the convention that the territories should be treated as property and divided between the sections of the Union, so that the rights of both sections should be adequately secured in their respective shares. Though the members of the convention admitted that the course was open to grave objections, they asserted that they were ready "to acquiesce in the adoption of the line 36° 30′ north latitude, extending to the Pacific ocean, as an extreme concession," upon considerations of what was due to the stability of their institutions.

[21] Second series of resolutions adopted by the Nashville convention, *National Intelligencer*, July 13, 1850.

But having taken the extreme Southern position in regard to the terms of settlement the South would accept, the convention was unwilling to commit that section to a definite policy of resistance in case its demands were not granted and stopped short of fulfilling the purpose for which it was called. For, although the object of the slaveholding states in meeting in convention, as stated in the resolution of the October convention of Mississippi calling them together, was "to devise and adopt some mode of resistance" to the aggressions against their rights threatened in Congress, the Nashville convention took the position that it would not conclude that Congress would adjourn without making an adjustment of the controversy; and that, in the condition in which it found the question before Congress, it did not "feel at liberty to discuss the methods suitable for a resistance to measures not yet adopted, which might involve dishonor to the Southern States."[22] Accordingly it deferred the question of resistance to the second meeting of the convention to be held at Nashville six weeks after the adjournment of Congress.[23]

The address to the people of the slaveholding states issued by the convention was a more radical document than the resolutions. In recounting the history of the agitation against slavery, the address set forth abolition as the ultimate end of it all and the logic of its reasoning admitted only one conclusion and that was that safety for the South was to be found only without the Union. It wholly condemned the measures of compromise reported from the committee of thirteen. The admission of California, it declared, was simply the enactment by Congress of the Wilmot proviso in another form; the adjustment of the Texas boundary took from Texas territory sufficient for two large states and, no matter what the territorial bills contained with reference to slavery, gave it up to be free territory and thus, also, effectively hemmed in the slaveholding states on their western boundary; in forbidding the slave trade in the District of Columbia, Congress simply began the abolition of slavery there; and, finally, an effective fugitive slave law was the constitutional right of the South and could not be considered by that section as compensation for the sacrifices it was asked to make to the prejudices of the North.

[22] First series of resolutions adopted by the October convention, *National Intelligencer*, July 13, 1850.

[23] Second series of resolutions adopted by the October convention, *Ibid.*

The address asserted, with the resolutions, that the only compromise that the South could accept was the extension of the Missouri Compromise to the Pacific, with a distinct recognition of the right of the citizens of the Southern states to enter, with their slaves, the territory south of the line 36° 30′.

In conclusion, the address admitted that the delegates of the convention were not entirely unanimous in the approval of all its arguments, particularly those that related to the compromise bills pending in the Senate, but it asserted that none of them were in favor of those bills unless they were amended in conformity with the resolutions of the convention or in some other way so as to secure Southern rights.[24]

In Mississippi, as elsewhere, the proceedings of the Nashville convention had little effect on public sentiment.[25] Though Judge Sharkey trusted that the whole South would unite, in a spirit of firm determination, to insist upon the line of compromise recommended by the convention[26] and other leaders of the state urged that the bills reported from the committee of thirteen contained no concession to the Southern states and that they could obtain the compromise demanded by the Nashville convention if they would only unite upon it,[27] the conservatives in the state had given up all hope of obtaining such a concession and turned more and more to the support of the measures of compromise before the Senate as the best policy for the South under the circumstances.

On the other hand the opponents of the compromise devised by the committee of thirteen, through public meetings and through the

---

[24] Address to the People of Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Louisiana, Texas, Missouri, Mississippi, and Arkansas, *National Intelligencer*, July 13, 1850.

This address was written by Robert Barnwell Rhett, of South Carolina. It was adopted unanimously in the vote given by states; but the delegates being given an opportunity to enroll their names for or against it, the following voted against: Davis, Abercrombie, Murphy, Judge Byrd, Hunter of Alabama, Gholson of Virginia. Freeman of Florida, Sharkey of Mississippi, *New York Semi-weekly Tribune*, July 15, 1850.

[25] The *National Era*, June 20, 1850, says, with reference to the Nashville convention, "Its proceedings have excited little interest. It was an abortion and is not worth a word of comment."

[26] Letter from Judge Sharkey to the Editor of the *Southron*, *Jackson*, June 21, 1850, *Mississippi Free Trader*, July 3, 1850.

[27] Letter of W. S. Featherston, July 12, 1850, *Mississippi Free Trader*, August 7, 1850.

Democratic press, enthusiastically supported the demands of the Nashville convention.[28] The line of 36° 30′, as established by the Missouri compromise, they considered "as fair and equitable an adjustment of the question as the South should offer;"[29] and declared that as the South had been thus liberal with a view of preserving the Union, she ought not to forget that she owed a corresponding duty to herself, the duty of "maintaining her position with unwavering determination, without regard to consequences."[30]

In regard to the address, the supporters of the compromise differed very materially from its opponents. The former declared that the ultraism of the address "would kill any cause or party—east, west, north or south—on earth below, or in the skies above, in Hell or in Heaven."[31] While the latter characterized it as a "calm, dispassionate, truthful, and able recitation of the wrongs that had been inflicted on the South"[32] and held that its criticism of the report of the committee of thirteen was masterful and unanswerable.[33]

However, notwithstanding the support the address and the resolutions received in Mississippi and the other Southern states, the Nashville convention served only to reveal more clearly, what had been apparent to many for several months, that the great effort of the leaders of the Southern movement to unite the South in the support of a definite program with reference to questions before Congress concerning slavery had signally failed. Therefore, the convention had little or no influence on the progress of the compromise measures through Congress.

---

[28] Public Meeting in Jasper County, *Mississippi Free Trader*, August 14, 1850; The Southern Meeting in Wilkinson County, *Ibid.*, August 28, 1850; The *Attala Democrat*, July 13, 1850; The *Vicksburg Sentinel*, July 6, 1850, declared: "We most religiously believe that nine-tenth of our people approve the action and recommendations of the convention."

[29] Public Meeting in Lafayette county, Oxford, July 11, 1850, *The Organizer*, July 13, 1850.

[30] *Ibid.*, June 29, 1850.

[31] Quoted from the *Columbus Democrat* in the *Natchez Semi-weekly Courier*, August 6, 1850. According to Jefferson Davis the *Columbus Democrat* awas the only Democratic paper in Mississippi that supported the compromise at this time.

[32] *Ibid.*, June 29, 1850.

[33] *Carrollton Mississippi Democrat*, June 29, 1850; *Paulding Clarion*, June 29, 1850.

CHAPTER VII.

THE PASSAGE OF THE COMPROMISE.

The recommendations reported to the Senate from the committee of thirteen, as will readily be seen, were, in the main, those embodied in Clay's resolutions of January 29, which had failed so entirely to satisfy the demands of the members of Congress from Mississippi. In the meantime, the position of Davis and the representatives from Mississippi had not varied and it is easy to determine what would be their attitude in regard to the bills reported from the committee. But since Foote's break with Calhoun over the amendment to the constitution proposed by the latter in his fourth of March speech, it had been becoming more and more apparent that he was approaching the position of the Southern Whigs and becoming willing to agree to the admission of California with the boundaries that it proposed, provided the remainder of the territory acquired from Mexico was organized under territorial governments without reference to slavery.

During this period, Foote had directed his efforts, for the most part, against the passage of the California bill as a separate measure and for the combining of it in a general scheme of compromise. With these ends in view, he had urged the appointment of the committee of thirteen and, together with Thomas Ritchie, had entered into an understanding with Clay that, without doubt, included both the formation of the committee of thirteen and the measures of compromise that it should propose. For before Clay made the report from the committee to the Senate, Foote was using his influence with Democratic senators from the South in favor of the bills to be proposed.[1] Later amid the chorus of objections from Southern senators against the report and the bills of compromise, when they were submitted to the Senate, Foote came out openly in their support though he deemed it better policy not to commit himself to them too completely, at first. He declared in the Senate:

[1] *Cong. Globe*, 31 Cong., 1 Sess., 952–953.

The general tone and bearing of the report, awakened my highest admiration. Though there may be some features in the plan to which, hereafter, I may feel compelled to express some objection, I must confess that I have heard nothing yet that could induce me, even in a whisper to suggest disapproval of the labors of the committee. I do not doubt, Sir, that this report will be adopted in the main; that it will be approved as a whole. It may undergo some modification of a trivial character, but whether it should undergo modification or not, I do not doubt, that it will tend to settle the great questions which have so long vexed the peace of the country.

Furthermore, Foote threw down the gage of battle to his former friends in Congress from Mississippi and the other Southern states by assuring them that as much as he should delight to coöperate with them, if it should turn out that he could concur with the committee, he would endeavor in every way to satisfy his countrymen, North, South, East, and West, that the report was worthy of their approval.[2]

Jefferson Davis, on the day of the report from the committee of thirteen, contented himself with asserting that the object of the report of the committee was to support the bills that had been introduced into the Senate by the territorial committee and that, since he had been opposed to those bills when they had been separately introduced into the Senate and had found no new reasons for supporting them, he must be opposed to them when they were connected.[3]

The members of the House from Mississippi had not experienced any change of heart with reference to the compromise and were, therefore, ready to align themselves with Davis in opposition to the plan proposed by the committee of thirteen. Since there was complete agreement among them on the essential points of the questions at issue, the letter of A. G. Brown, ever the most aggressive and outspoken, to his constituents may be regarded as expressing not simply

---

[2] Speech of Foote, May 8, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 952.

Additional evidence of the growing divergence between Foote and the other members of Congress from Mississippi was given in the "Address to the People of the Southern States" by Southern members of both houses of Congress with reference to the establishment in Washington of a paper that should be devoted to the rights and interests of the South, so far as they ware involved in the questions growing out of African slavery. The address was drawn up May 6, and was signed by sixty-four members of Congress from the South, including all from Mississippi except Foote. But, as the movement for the establishment of a Southern organ in Washington was regarded as a rebuke to Ritchie for the course that had been taken by the *Washington Union* in regard to the compromise, Foote, very naturally, did not sign the address. The address is goven in Cluskey, *Political Text-Book*, 543-546.

[3] Speech of Jefferson Davis, May 8, 1850, *Cong. Globe*, 31 Cong., 1 Sess., 956.

his own views in regard to the compromise, but those of his colleagues as well.

In this letter, after a long argument to prove that the course of both the administration and Congress with reference to California and the other territories acquired from Mexico had been adverse to the interests of the South, Brown proceeded to enquire whether the measures proposed in the first bill reported from the committee of thirteen offered a compromise with reference to the extension of slavery worthy of the consideration and the support of his constituents. He asserted that the admission of California into the Union under its constitution excluding slavery was equivalent to the passage by Congress of the Wilmot proviso, and that the question was whether the South was offered any adequate consideration for the sacrifice of feeling and principle it would make in admitting California.

In considering the rest of the bill with reference to this point, he asserted that by the terms of the resolutions annexing Texas to the United States, the South had the clearest possible recognition of the title of Texas to the country up to 36° 30′ as slave territory; and that, since he believed that the territory sold out and annexed to New Mexico would be dedicated to free soil and that its institutions would be anti-slavery, that part of the proposed bargain by which Texas was to cede to New Mexico a portion of her territory nearly twice as large as the state of Mississippi and to receive from the United States in payment a sum of from five to fifteen million dollars, of which the South would have to pay more than its due proportion, did not make the admission to California a whit more palatable to him.

In regard to the last proposition in the bill, namely, the establishment of territorial governments for New Mexico and Utah without the "Wilmot proviso," Brown declared that if that were an independent proposition tendered in good faith and accepted by the North with a fixed purpose to abide by it, he would have no hesitation in saying that it would receive his cordial support, for while he demanded that Congress should not oppose the entrance of Southerners into the territories with their slaves, he did not ask it to assist them in going there. But he assured his constituents that the measure was not tendered in good faith and that the North had no intention of abiding by it. He informed them:

> Mr. Webster is positive that we can never introduce slaves into the territory. "The laws of God," he thinks, will forever forbid it. He, and those who go with

him, will not vote for the "proviso," because it is *unnecessary*. They are opposed, uncompromisingly opposed, to the introduction of slaves into the territories; and they are ready to do anything that may be found necessary to keep them out. It is easy to see what they will do, if we commence introducing our slaves. They will at once say, "The laws of God" having failed us, we must try what virtue there is in the "Wilmot proviso." Mr. Clay and those who follow him are quite certain that "we are already excluded by the laws of Mexico." They, too, are opposed to the introduction of slavery into the territories, and stand ready to see it excluded. The Northern men who stand out against the *compromise*, insist, and will continue to insist, on the Wilmot proviso, as the only certain guarantee that slavery will be permanently excluded. All, all are opposed to our going in with our slaves, and all are ready to employ whatever means may be necessary to keep us out. I *assert the fact distinctly and emphatically*, that we are told every day, that if we attempt to introduce our slaves at any time into New Mexico or Utah, there will be an immediate application of the "Wilmot proviso," to keep us out. Mark you the proposition is to give territorial governments to New Mexico and Utah. These are but congressional acts, and may be altered, amended, explained, or repealed, at pleasure.

No one here understands we are entering onto a compact, and no Northern man votes for this compromise with the expectation or understanding that we are to take our slaves into the territories. Whatever additional legislation may be found necessary hereafter to effect our perfect exclusion, we are given distinctly to understand will be resorted to.

Brown also found in this section of the bill an additional difficulty to the extension of slavery, a more serious obstacle than either the "laws of God" of Webster or the "laws of Mexico" of Clay, a provision as prohibitory as the proviso itself. This was the denial to the territorial legislature of the right to legislate in respect to African slavery.

"With these facts before us, it becomes us to enquire how much we give and how much we take, in voting for Mr. Clay's bill," Brown asserts; and sums up the answer to these enquiries as follows:

We admit California, and, being once in, the question is settled so far as she is concerned. We can never get her out by any process short of a dissolution of the Union. We give up a part of pro-slavery Texas, and we give it beyond redemption and forever. Our part of the bargain is binding. . . . . This much we give; now what do we take? We get a government for New Mexico and Utah, without the Wilmot proviso, but with a declaration that we are excluded already "*by the laws of God and the Mexican nation*," or get it with a prohibition against territorial legislation on the subject of slavery, and with a distinct threat constantly hanging over us, that if we attempt to introduce slaves against these prohibitions, the "Wilmot proviso" will be instantly applied for our more effectual exclusion.

In conclusion, he assures his constituents that he cannot vote for Clay's compromise. With very essential changes and modifications he might be reconciled to its support, but these he has no hope of obtaining and, therefore, he expects to vote against it.[4]

[4] Letter of A. G. Brown to His Constituents, Washington City, May 13, 1850, Cluskey, *Speeches, Messages and Other Writings of the Hon. A. G. Brown*, 178–190.

The views expressed by Brown in this letter represented not simply the sentiment of the members of the House from Mississippi, but also that of the Southern Democrats, generally, in both the Senate and the House. They, therefore, together with the Northern Whigs and the members of the Free Soil party, who were equally dissatisfied with the terms of the compromise, opposed the passage of the bills and, aided by the influence of the administration, succeeded in blocking their way through the Senate; while the supporters of the compromise, for the most part Southern Whigs and Northern Democrats, conferred daily under the leadership of Clay, assisted by Webster and Cass, to promote their passage.[5]

For nearly three months "the bill for the admission of California as a state into the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northwestern boundaries," or "the Omnibus bill," was before the Senate for consideration almost daily. The opponents of the measure conducted their long fight against it through a series of amendments, by which the Southern Democrats, at least, hoped to modify the bills so that they would meet the demands of their section or, failing in this, to make the measures more objectionable to the North and thus secure their defeat.[6]

In these efforts to amend the Omnibus bill to meet the demands of the South, the Southern Democrats were supported by Southern Whigs who were not entirely satisfied with the terms of the compromise. They understood as perfectly as the Southern Democrats that local laws in respect to African slavery were necessary wherever such property was held and that the clause in the territorial bill that denied the territorial legislatures the power to pass a law "in respect to African slavery" would effectively prevent the establishment of slavery in New Mexico and Utah.[7] Therefore, they joined the Southern Democrats in support of the amendment offered by Jefferson Davis to substitute for the objectionable phrase one forbidding the territorial legislature to pass any law interfering "with those rights

---

[5] Speech of Douglas, September 9, 1859, Quoted in Rhodes, *History of the United States*, I., 173; Speech of Davis, *Cong. Globe*, 31 Cong., 1 Sess., Appx., 1573.

[6] Speech of Davis, *Cong. Globe*, 31 Cong., 1 Sess., 1083.

[7] Letter of A. H. Stephens to his brother, May 10. 1850, Johnston and Browne, *Life of A. H. Stevens*, 255.

of property growing out of the institution of African slavery as it exists in any of the States in the Union."[8]

During the weeks in which the Senate debated this amendment, the difference in the attitude of the senators from Mississippi toward the compromise developed more fully and Foote's policy of voting for the measures favored by his colleague and the other Democratic senators from the South and, at the same time, supporting the compromise was revealed. Although Foote declared that he could see no necessity for any restriction's being imposed "in respect to the system of African slavery," upon the territorial governments about to be established, since the courts of the country would be bound to declare, on the one hand, a law passed by a territorial legislature excluding slavery void and, on the other, one protecting slavery valid, and that he preferred a simple territorial government leaving the people who inhabited the territories the power to regulate all their domestic concerns, yet he asserted that, if his friends from the South insisted upon the imposition by Congress of restrictions upon territorial legislation in regard to that subject, he would be willing to vote for the restrictive clause contended for in almost any form which it could be made to assume.[9]

At this time, however, Foote had openly joined the party that had formed around Clay and was enthusiastically working for the passage of the conpromise. In defending himself from the charge of inconsistency, he declared that the compromise bills contained the measures that he had been laboring for since the beginning of the session: a bill for the admission of California as a state, as part of a general scheme of settlement; a proposition to establish territorial governments for New Mexico and Utah without the Wilmot proviso—all that the South had desired on that head twelve months before; a proposition for the adjustment of the Texas and New Mexico boundary question upon satisfactory principles; and finally an efficient bill

[8] *Cong. Globe*, 31 Cong., 1 Sess., 1003, May 15, 1850.
This amendment Davis modified at the request of Senator Pratt, of Maryland, a Whig, by substituting a phrase forbidding the territorial legislature "to introduce or exclude African slavery" and adding as a proviso "that nothing herein contained shall be construed so as to prevent said territorial legislature from passing such laws as may be necessary for the protection of the rights of property of every kind which may have been of may be hereafter introduced into said territory," *Ibid.*, 1019, 1074.

[9] Speech of Foote, May 15, *Ibid.*, appx., 581.

for the restoration of fugitives from labor. He begged his colleagues to bear in mind that:

> They must vote for the compromise or they must sustain the policy of *non-action.* They must agree to the admission of California, coupled with certain compensating advantages of inestimable value, or they must prepare to see California come in alone; the territories without governments; the Texas and New Mexico boundary line unsettled; and the fugitive slave bill (the only truly efficient bill of the kind ever yet devised) subjected to defeat.[10]

Davis, on the other hand, actively engaged with other Southern Democrats in efforts to secure amendments to the "Omnibus bill," and although he refused to discuss that measure until it had passed all the proposed stages of amendment, he let it be distinctly understood that he would not support it unless it was materially amended.[11]

During the long months of bitter struggle in the Senate that followed, the course of the two senators from Mississippi in regard to the compromise continued along the lines that had been marked out in the days immediately following the report of the committee of thirteen. Jefferson Davis bent every effort to amend the bills so as to secure the ultimatum he had earlier laid down: the extension of the line of 36° 30′ through the territory acquired from Mexico with a definite recognition by Congress of the right of the people of the Southern States to carry their property in slaves into the territories south of that line and to have it protected there until the territories should be admitted as states, and an admission of the right of such states to come into the Union with or without slavery as they might provide in their constitutions.[12]

Foote, on the other hand, while voting for the amendments proposed or supported by his colleague and even himself offering one looking to the fixing by California, after her admission into the Union, of the line of 35 degrees as her southern boundary,[13] gave such hearty

[10] Speech of Foote, May 21, 1850, *Cong. Globe,* 31 Cong., 1 Sess., appx., 592.

[11] Speech of Davis, May 28, 1850, *Cong. Globe,* 31 Cong., 1 Sess., 1083.

[12] In addition to the amendment proposed by Davis on May 15, he also proposed one, on June 19, to repeal all the laws of Mexico preexisting in the territory acquired by the United States from Mexico that obstructed the full enjoyment of any right of person or property of a citizen of the United States as recognized or guaranteed by the constitution or laws of the United States; and another, on July 31, to limit the southern boundary of Utah to 36° 30′. All of these amendments were lost, although the first was supported by every Southern senator voting, except Benton, of Missouri, and Spruance, of Delaware. *Ibid.,* 1134.

[13] *Ibid.,* appx. 1271.

support to the compromise that the *National Era* characterized him as "the most zealous, the most indefatigable, the most efficient advocate of the Compromise bill."[14]

By the twenty-seventh of June, Davis was convinced that the compromise bill could never be amended so as to receive his vote,[15] and from the moment he came to that conclusion, he tells us later, he determined to vote to kill the bill.[16] However, the debates on that measure and the efforts to amend it continued through another month and Davis did not get the opportunity to effect his purpose until the last day of July.

On that day the opponents of the compromise rallied in a determined effort to destroy the "Omnibus bill" by stripping it of its provisions. As this struggle involved not simply the amending of the bills in that measure so as to make them more satisfactory to the South, but their very existence, Foote, at length, parted company with his colleague in voting. In the divisions on striking out the provisions relating to New Mexico and Texas and on the indefinite postponement of the bill and also, in the first division for striking out the provisions relating to California, he voted in the negative and Davis in the affirmative. But when the adjustment scheme had been broken up by the striking out of the portions of the bills relating to New Mexico and Texas, Foote, true to his opposition to the admission of California save as a part of such a scheme, joined his Southern colleagues in voting on the second proposition for striking out that portion of the bill relating to California. By the success of this latter measure the compromise bill was stripped of all its provisions except that for the organization of a territorial government for Utah.[17]

In this state the bill was passed the following day. But in recognition of the fact that the compromise measure reported from the committee of thirteen had been defeated, the title of the bill was changed to that of a bill to establish a territorial government for Utah.[18]

---

[14] *National Era*, August 8, 1850.
By this policy Foote, no doubt, hoped to win the approval of those of his constituents who were in favor of accepting the compromise and, at the same time, not to alienate others by failing to support any effort to modify the compromise in favor of the South.

[15] *Cong. Globe*, 31 Cong., 1 Sess., appx., 993.

[16] *Ibid.*, 1509.

[17] *Cong. Globe*, 31 Cong., 1 Sess., 1490–1491; appx., 1470–1485.

[18] *Cong. Globe*, 31 Cong., 1 Sess., 1504.

In this bill, the South did not secure in Utah all that Davis and the extreme pro-slavery group to which be belonged demanded with reference to the extension of slavery in a territory; but it did secure what Foote and many of the Southern Whigs desired with reference to non-intervention, through the striking out of all provisions in the bill concerning the power of the territorial legislature to pass laws concerning slavery and the leaving of all questions concerning such power to the courts for decision. In addition, it secured an amendment providing that when the territory or any part of it was admitted as a state, it should be received into the Union with or without slavery as its constitution might prescribe.[19]

Although the opponents of the compromise had succeeded in defeating the scheme of adjustment proposed by the committee of thirteen, circumstances were in favor of the party of compromise and it was very generally believed that the defeated bills would be carried as separate measures. On July 9, President Taylor, the unwavering opponent of the compromise[20] had died and Millard Fillmore, the vice-president, had succeeded to the presidency. Though there was some doubt at first as to what course Fillmore would pursue in regard to the compromise,[21] the personnel of the new cabinet, with Webster as Secretary of State, made it evident to all that he would support that measure, and the full power of the administration was soon felt in favor of the passage of the adjustment bills.[22]

The situation in Texas, also, favored the passage of the compromise measures. In a message to Congress, on August 6, Fillmore pointed out the imminent danger of a conflict between the forces of Texas and those of the United States over jurisdiction over that part of New Mexico claimed by Texas and urged upon Congress the necessity of making provision for the settlement of the Texas boundary question.[23] The influence of the president, aided by the fear that in a clash between Texas and the United States the slave states would

---

[19] *United States Statutes at Large*, IX., 453–454.

[20] An interview, just before his death, between Taylor and the representatives of the Southern Whigs in Congress gives evidence of the unchanged attitude of Taylor towards the compromise. J. F. H. Claiborne, *Life and Corrsepondence of John A. Quitman*, II., 32–33.

[21] Letter of Horace Mann, July 12, 1850, Mann, *Life of Horace Mann*, I., 307.

[22] Letter of Horace Mann, August 23, 1850, *Ibid.*, 316; Letter of Horace Mann. September 6, 1850, *Ibid.*, 322.

[23] *Cong. Globe*, 31 Cong., 1 Sess., 1525–1526.

support Texas and the whole country would be involved in war,[24] induced a majority of the Senate to favor a speedy adjustment of the boundary of Texas. Accordingly, three days after the president's message, in spite of the opposition of both the ultra Southern and the radical Northern senators, the Texas boundary bill passed the Senate by a vote of 30 to 20, Foote voting in the affirmative and Davis in the negative.[25] A precedent was thus established for the passage of the provisions of the compromise as separate measures.

But the measure of compromise against which the sentiment of the South was most opposed and which Southern senators were most determined to defeat, was the bill for the admission of California. The struggle over that measure had been joined before the passage of the Texas bill, Douglas having moved, the day after the striking of the provisions relating to California from the compromise bill, the taking up of the separate bill for the admission of California introduced by him earlier in the session.[26]

As the legislature of Mississippi had instructed the members of Congress from that state to resist the admission of California by all honorable and constitutional means and as he had always declared his opposition to the admission of California as a separate measure, Foote declared his intention of voting against this bill. In the struggle over the measure, he joined the other Southern senators in the effort to secure the division of California[27] and, failing in that, he endeavored to postpone the passage of the California bill until the territorial questions were adjusted.[28] But in his speeches he made it quite evident that he was ready to acquiesce if the bill were passed and was outspoken in his denunciation of those who counselled resistance to it.[29]

[24] Letter of A. H. Stephens, June 29, 1850, *National Era*, July 11, 1850.

[25] *Cong. Globe*, 31 Cong., 1 Sess., 1555.
With the exception of Benton, of Missouri, and Underwood, of Kentucky, the Southern senators who voted against the bill belonged to the extreme pro-slavery group to which Jefferson Davis belonged and which had so consistently opposed the compromise. They were Atchison of Missouri, Barnwell and Butler of South Carolina, Davis of Mississippi, Hunter and Mason of Virginia, Morton and Yulee of Florida. Soulé of Louisiana, and Turney of Tennessee.

[26] *Ibid.*, 1513.

[27] *Ibid.*, appx., 1504.
He proposed making an amendment making the line 35′ 30° the southern boundary of California, which he afterwards modified, at the request of Davis, by submitting 36° 30′ for 35° 30′; and supported other amendments, to the same effect, proposed by his Southern colleagues.

[28] *Ibid.*, appx., 1504.

[29] Speech of Foote, August 12, 1850, *Ibid.*, appx., 1521.
"Thank God I am no secessionist," Foote exclaimed, in a speech very much

Davis, however, as his whole course had shown, was utterly opposed to the admission of California with the boundaries it had prescribed for itself; therefore, he was not content with the measures of opposition that satisfied his colleague. But, for the purpose of defeating the California bill, he entered into a written agreement with nine of his Southern colleagues in which they declared that they would avail themselves of any and every measure on which a majority of those signing the paper might determine to prevent the admission of California as a state, unless her southern boundary should be reduced to 36° 30′; and that, if California should be admitted with the boundaries prescribed, then such admission should be allowed only after the people of California should have assented thereto.[30]

---

quoted afterwards by the "submissionists" in Mississippi, "no disunionist, and thank God that in one sense I am a submissionist. I am, and shall be, I trust, willing to submit to any constitutional enactment adopted by Congress, that does not amount to gross oppression. And I furthermore say, that, in my opinion, it will not only not be disgraceful to the South to submit to this enactment, but it will be particularly disgraceful, unpatriotic, and unpardonable in any part of the South to utter language of resistance to any such law. I regret very much that California is to come in with these unrestricted boundaries, but I have the consolation to know that it was not through any fault of mine that they were not restricted. I shall vote against the admission of California, according to my instructions, as I always intended to do if presented as a separate and distinct measure; but if California be admitted, I shall never counsel resistance, and I shall be prepared to rebuke resistance, to denounce secessionists, and to make every kind of opposition to those men who shall dare to raise their arms against the Government for the purpose of counteracting laws which they admit themselves to be constitutional."

[30] List of Manuscripts, Wisconsin Historical Society, 146.

This manuscript in the Wisconsin Historical Society reads as follows: "John G. Pankhurst, Coldwater: Following is an exact copy of a paper in my possession. It was found at Winchester, Tenn., by some of my scouts and turned into me, as provost-marshall of the Fourteenth Army Corps, August 6, 1863. It carries the autograph signatures of ten of the most prominent Southern Statesmen in 1850:

"We will avail ourselves of any and every means which a majority of those signing this paper may determine to prevent the admission of California as a state, unless her southern boundary be reduced to 36° 30′ and if California be admitted with the boundaries prescribed, then such admission be allowed only after the People of California shall have assented thereto . . . . this admission may be allowed if necessary, on proclamation of the Presdt.

August 2, 1850.

H. S. Turney
A. P. Butler
D. R. Atchison
D. L. Yulee
Pierre Soulé
Jeffn: Davis
Jere: Clemens
John Mason
Jackson Morton
R. W. Barnwell

At a meeting of the senators entering into this agreement to determine what means they should use to carry out their purpose, Davis supported a motion of Soulé, that they resist by all parliamentary means the passage of the California bill; but as the vote stood five to five, the motion was lost.[31] From subsequent proceedings in the Senate, it is evident that a majority of those signing the agreement decided in favor of resisting the bill only by debate and Davis, as he declared, was forced, for want of power to give up all other opposition to the bill.[32]

But before the passage of the California bill, Davis made a most effective use of the only means of opposition left him in a solemn appeal to the members of the Senate against the measure. He warned them that they were about to destroy permanently the balance of power between the sections of the Union; and that, too, when sectional spirit was rife over the land and when those who were to have the control in both houses of Congress and also over the executive power had shown, by unmistakable indications, a disposition to disregard the constitution, which made all equal in rights, privileges, and immunities. When that barrier for the protection of the minority was about to be obliterated, he felt that they had reached the point at which the bonds that had held the government together were to be broken by a ruthless majority, and that the next step might lead to the point at which aggression would assume such a form as would require the minority to decide whether they would sink below the condition to which they were born, or maintain it by forcible resistance.

Such were the momentous consequences that Davis foresaw as possibly flowing from the act admitting California; nor were his forebodings, in any degree, reduced by the spirit in which the act was done. In the temper manifested, he felt forewarned of the fate of

[31]Reverse of the document in the List of Manuscripts, Wisconsin Historical Society, 146. "August. Mr. Soula moved that we resist by all Parliamentary means the Passage of the bill and the vote stood as follows, for the motion was Messrs. Davis, Tourney, Soulé, Morton, Yulee—5. Against it was Barnwell, Butler, Mason, Hunter, Atchison—5. Lost by a tie vote."

It will be seen that the name of Clemens, of Alabama, does nor appear in this vote, but that of Hunter, of Virginia, does.

[32]On August 12, Davis declared in the Senate: "I was prepared to go to any possible limit in opposition to this measure. . . . . It is not, therefore, for want of will, but for the want of power, that I have not offered further opposition than I have. *Cong. Globe*, 31 Cong., 1 Sess., appx. 1533.

the South when it should become permanently a minority in both houses of Congress. In that spirit of aggression and reckless disregard of the rights of the minority, he believed they might see, like the handwriting on the wall, the downfall of the Confederacy.

Controlled by such opinions, Davis declared, he had required nothing to prompt him to the opposition that he had made to the California bill. But if he had, it was at hand, he asserted, in the expressions of popular will by primary meetings and legislative action. The legislature of his state had instructed him to resist the bill for the admission of California, under the circumstances of the case, by all proper and honorable means; the same legislature had made an appropriation of money to enable the governor to offer proper resistance to the Wilmot proviso, if it should be passed by Congress and approved by the president; and in the California bill, as it was proposed, he saw nothing in any essential degree differing from the Wilmot proviso. Davis concluded:

> Then, Senators, countrymen, brethren, by these, and by other appellations, if there be others more endearing and impressive than these, I call upon you to pause in the course which, pressed by an intemperate zeal, you are pursuing, and warn you, lest blinded by the lust for sectional dominion, you plunge into an abyss in which will lie buried forever the glorious memories of the past, the equally glorious hopes of the future, and the immeasurable happiness of our common country. It is not as one who threatens, nor as one who prepares for collision with his enemies but as one who has a right to invoke your fraternal feeling, and to guard you against an error which will equally bear on us both; as one who has shared your hopes and your happiness, and is about to share your misfortunes, if misfortunes shall befall us; it is as an American citizen that I speak to an American Senate—it is in this character that I have ventured to warn you; it is with this feeling that I make my last solemn appeal.[33]

But, notwithstanding the appeal of Davis, the Senate passed the California bill, August 13, by a vote of 34 to 18, Davis and Foote both voting in the negative.[34]

Davis and the others of the group of Southern senators that had agreed on united action against the admission of California made a final effort to give emphasis to their opposition to the California bill. On the day following its passage, Hunter, of Virginia, presented to the Senate a protest signed by himself and all the senators, except

---

[33] Speech of Davis, August 13, 1850, *Cong. Globe*, 31 Cong., 1 Sess., appx., 1534.

[34] *Cong. Globe*, 31 Cong., 1 Sess., 1573.

All the senators from the South who were present voted in the negative, except Bell, of Tennessee, Underwood, of Kentucky, Benton, of Missouri, Spruance, of Delaware and Houston, of Texas. Clay was absent.

Clemens, of Alabama, who had entered into the agreement to oppose the bill, and requested that it might be received and spread upon the journal of the Senate. The object of the senators, as stated in the protest, was to leave in the most solemn and enduring form a memorial of the opposition that they had made to the bill admitting California as a state and of the reasons by which they had been governed. But, no doubt, their real purpose was, by this impressive and convenient method, to defend their course in regard to the bill before their own constituents and to influence public sentiment in the South to refuse to acquiesce in that measure.

To carry out the purpose of their protest, the Southern senators severely arraigned the California bill in giving their reasons for objecting to it. They declared that they dissented from the bill, first, because validity was imparted by it to the unauthorized action of a portion of the inhabitants of California by which an odious discrimination was made against the property of the fifteen slaveholding states of the Union; second, because, should the bill become a law, Congress must sanction and adopt a system of measures manifestly contrived without the authority of precedent, of law, or of the constitution, for the purpose of defeating the right of the slaveholding states to a common and equal enjoyment of the territory of the Union; third, because to vote for a bill passed under such circumstances would be to agree to a principle that destroyed the equal rights of their constituents, the equality of their states in the confederacy, the equal dignity of those whom they represented as men and as citizens in the eye of the law, and their equal title to the protection of the government and the constitution, and that might exclude forever, as it did then, the states that they represented from all enjoyment of the common territory of the Union; fourth, because all the propositions had been rejected, that had been made to obtain either a recognition of the rights of the slaveholding states to a common enjoyment of all the territory of the United States, or a fair division of that territory between the slaveholding and the non-slaveholding states of the Union; and fifth, because, in sanctioning measures so contrary to former precedent, to obvious policy, to the spirit and content of the constitution of the United States, for the purpose of excluding the slaveholding states from the territory to be erected into a state, the government in effect declared that the exclusion of

slavery from the territory of the United States was an object so high and important as to justify a disregard not only of all the principles of sound policy, but also of the constitution itself. Against this conclusion, the senators declared, they must then and forever protest, as it was destructive to the safety and liberties of those whose rights had been committed to their care, fatal to the peace and equality of the states that they represented, and must lead, if persisted in, to the dissolution of that confederacy in which the slaveholding states had never sought more than equality, and in which they would not be content to remain with less.[35]

Foote, very naturally, opposed the protest since he feared it would tend to stimulate the South to resist the compromise measures and his political fortunes were bound up in the acquiescence of his state in those measures, to which he was thoroughly committed. Therefore, he joined the majority in the Senate in refusing to receive the protest.[36]

With the protest against the California bill, the struggle of Davis and his extreme pro-slavery colleagues against the passage of the compromise bills practically ended. In the divisions on the other three measures, Davis acted in accordance with his course from the beginning. He did not vote on the bill to establish a territorial government in New Mexico,[37] and voted against the abolition of slavery in the District of Columbia[38] and in favor of the fugitive slave law.[39] In the latter measure, however, he declared, he felt no great interest, because he had no hope that it would ever be executed to any beneficial extent. But if the border states, the ones most interested in the question, hoped to derive any benefit from it he was willing, within the limits of his opinion as to what Congress

[35] *Cong. Globe*, 31 Cong., 1 Sess., 1578, August 14, 1850.

[36] *Ibid.*, 1579.

[37] *Ibid.*, 1589, August 15, 1850.
The vote on this bill was 27 to 10; the negative votes were all cast by senators from the North.

[38] *Ibid.*, 1830, September 16, 1850.
The vote on this bill was 33 to 19; the nays were 12 Southern Democrats and 7 Southern Whigs. Benton and Houston and 3 Southern Whigs, Clay, Underwood, and Spruance, voted in the affirmative.

[39] *Ibid.*, 1647, August 23, 1850.
The vote on the engrossing and third reading of this bill was 27 to 12. The nays were 8 Northern Whigs, 3 Northern Democrats, and Chase. There were fifteen senators from the free states who did not vote.

might do and what the constitution imposed, to allow them to frame the law as they thought best.[40]

Foote, on the bill to organize a territorial government for New Mexico, paired with an opponent of the measure, voted in the affirmative on the fugitive slave bill, and did not vote on the bill for the abolition of slavery in the District of Columbia, though he was present just before the division.[41]

During the long period of the struggle in the Senate over the compromise, the representatives from Mississippi in the House had not wavered in their support of the ultimatum of Davis and their opposition to the measures proposed by the committee of thirteen,[42] and had rendered effective service in the successful efforts of the Southern representatives to prevent any action by the House, unfavorable to the South, on the questions at issue between the sections.

Finally when it grew evident that the compromise measures would be passed by the Senate as separate bills, they joined a movement in the House for uniting the Southern members of that body to defeat those measures.[43] For this purpose, a caucus of the representatives from the South was held on August 8, at which a committee of fifteen, one from each slave state, was appointed to report proper measures for the action of the South respecting the slavery and territorial question.[44] On the eleventh, Toombs, the chairman of the committee, reported to a meeting of the Southern members of the House a series of resolutions, which were adopted by that body. In these resolutions, the Southern representatives took their stand upon the position that had been taken by Jefferson Davis and confirmed by the Nashville convention. They declared in favor of non-inter-

---

[40] *Cong. Globe*, 31 Cong., 1 Sess., appx., 1588.

[41] *Cong. Globe*, 31 Cong., 1 Sess., 1830.

[42] Speeches of Thompson, June 4, 1850, *Ibid.*, 1123, and June 5, 1850, *Ibid.*, appx., 660; Speech of McWillie, July 23, 1850, *Cong. Globe*, 1 Cong., 1 Sess., 1470. Speech of Browne, June 13, 1850, *Ibid.*, 1197; Letter of Featherston, July 12, 1850; *Mississippi Free Trader*, August 7, 1850.

[43] This movement, called by the *New York Tribune* a conspiracy, was doubtless designed as a counterpart of the one in the Senate to defeat the passage of the California bill.

[44] *National Era*, August 15, 1850.

This committee consisted of seven Whigs and eight Democrats and was made up as follows: Toombs, Burt, Hilliard, Thompson, of Mississippi, Cabell, Howard, Johnson, of Arkansas, Morse, Green, Seddon, Clingman, Thomas, McLean, Houston, and Bowie.

vention with slavery in the territories; but asserted that, in the event of the non-slaveholding states' objecting to that policy, they would insist upon a division of the country on the line of 36° 30′, with a distinct recognition and protection of property in slaves. In addition, they agreed that they would not vote for the admission of California, unless the southern boundary should be restricted to the parallel 36° 30′ north latitude; that they would not agree to any boundary between Texas and New Mexico that proposed to cede to New Mexico any portion of territory south of the parallel of 36° 30′ north latitude and west of the Rio Grande, prior to the adjustment of the territorial question; and that they would resist "by all usual legislative and constitutional means the admission of the State of California and the adjustment of the Texas boundary, until a settlement of the territorial questions."[45]

These resolutions, however, were not assented to by a number sufficient to secure the success of the movement. As the Southern Whigs, for the most part, had been won over to the support of the compromise and many of the Democrats were unwilling to resort to measures of obstruction to defeat it, only about forty of the Southern representatives were present at this meeting and of these not all approved the proceedings.[46] Therefore, like Davis, the members of the House from Mississippi were forced, against their wishes, to abandon the plan of defeating the compromise by "parliamentary means."

All that was left for the representatives from Mississippi was to record their opposition to the compromise in their votes on the passage of the measures. McWillie and Thompson voted in favor of the passage of only the fugitive slave bill and the Utah bill;[47] while Brown and Featherston voted on the negative in every measure except the fugitive slave bill.

---

[45] Quoted from the *Southern Press* in the *National Era*, August 15, 1850. The meaning of the last resolution was differently interpreted. No doubt it was intentionally left vague.

[46] A Washington correspondent of the *New York Tribune* stated on August 11, that the conspiracy was assented to by forty Southern members of the House, the number requisite to defeat legislation in that body. *New York Semi-weekly Tribune*, August 14, 1850. But a few days later a special message from Washington to the *Tribune* declared that the claim of the *Southern Press* as to the unanimity of the caucus had been exploded; that it had turned out that only forty-two were present at the meeting and only thirty sanctioned the proceedings; and that there was a card in the *Intelligencer* from Houston, of Delaware, dissenting from the resolutions and saying that he had been appointed on the committee without his consent. *New York Semi-weekly Tribune*, August 17, 1850.

But in spite of the opposition of the representatives from Mississippi, all the compromise measures were passed by the House, mainly, as in the Senate, by the support of the Southern Whigs and the Northern Democrats. As it was certain they would receive the signature of the president, the great question, immediately was what attitude the states would assume toward those measures.

That subject had been much discussed in the Senate in the debates on the compromise. As Foote had differed in his attitude toward the compromise from his colleague and the members of the House from Mississippi, he had especially endeavored to demonstrate that public sentiment in Mississippi was in favor of the compromise and approved his course in regard to it.[48] Since Davis could not let his assertions for that purpose pass unchallenged, there had been several discussions between the two on that subject.[49]

In the last, just before the passage of the last of the compromise measures, Foote declared that, in his opinion nine-tenths of the enlightened freemen of the state of Mississippi were now, and had been all along, cordially in favor of the much abused plan of adjustment, and he predicted that they would deliberately and formally sanction it and avow their concurrence in all that he had done and said as one of their senatorial representatives.[50] Davis, on the other hand, declared that he was well assured that Foote would not find nine-tenths in any one county, still less in the state of Mississippi, favoring his course on the measures; and that he knew of no community in Mississippi, not a single town, where he believed Foote could find a majority in favor of all the compromise measures.[51]

In this discussion, both Foote and Davis expressed the intention of appealing to their constituents to decide between them. Accordingly as soon as Congress adjourned, they, together with the members of the House from Mississippi, returned to the state to take up with the people of Mississippi the question of their acceptance or rejection of the compromise. Foote, alone of the Mississippi delegates

---

[47] The New Mexico bill was united with the Texas boundary bill and was, therefore, voted against by all the representatives from Mississippi.
[48] *Cong. Globe*, 31 Cong., 1 Sess., appx., 990; *Ibid.*, 1096; *Ibid.*, 1390–1391.
[49] *Ibid.*, 993–995; *Ibid.*, 1390–1391.
[50] *Cong. Globe*, 31 Cong., 1 Sess., 1830.
[51] *Ibid.*, 1830.

in Congress, undertook the defense of that measure; while Davis and the members of the House actively engaged in the struggle, already begun, against acquiescence in it. For an understanding of this struggle and the final decision of the state of Mississippi in regard to the compromise, it is necessary to follow the development of public sentiment in Mississippi in regard to the compromise, since the Nashville convention.

CHAPTER VIII.

THE BEGINNING OF THE STRUGGLE IN MISSISSIPPI OVER THE COMPROMISE.

After the Nashville convention as it became more and more likely that the Senate would pass the measures of compromise reported from the committee of thirteen, excitement grew in Mississippi and the line of cleavage between the supporters and the opponents of the compromise became more definite. The entire Whig press came out in favor of the compromise; while the Democratic press, with a few exceptions, opposed it. The members of the two great parties in Mississippi followed, in the main, the same alignment,—the Democrats, for the most part, opposing the compromise measures, and the Whigs, with some very notable exceptions, favoring acquiescence in them.

The Democratic papers, also, pointed out a line of cleavage other than the political, but one which was in fact the basis of that. This was the division between the commercial and the large planter classes, on the one hand, and the small planters and the farmers, on the other.[1] The editor of the *Mississippi Free Trader* saw that the cause of the approval of the compromise by the former was in their more extended business connections and their greater financial dependence on the North, but was too bitterly hostile to the compromise to reason fairly concerning this fact. The banking and the other business interests of the state, he asserted, were in the hands of Northern men who coöp-

[1] The *Vicksburg Sentinel* of July 16, 1850, said:

"We have repeatedly stated that four-fifths of the people of Mississippi are opposed to the 'compromise' of Mr. Clay. Judging by the recent expositions of opinion we are inclined to believe that there is hardly one man in twenty in the interior of the State who is not opposed to it. In the cities and large towns, it is different. There are in such congregations of human vapors various obstacles to an unbiased formation and expression of opinion; but in the South the towns and cities are insignificant. They form a very small part of the population, and their influence is proportionately small. The rural population of the South is composed of the genuine sovereigns. They control the cities, not the cities them."

An assertion of Governor Quitman also points out this division. "With the exception of the merchants, the traders, the bankers, the millionaires, and their dependents, the people are with us," he writes to J. J. McRae, September 28, 1850. Claiborne, *Life and Correspondence of John A. Quitman*, II, 46.

erated with and were in "cahoot" with all the wealthy planters and commission merchants whom money or cupidity could seduce into their service. As for the largest slaveholders, whom the Whig press pointed out as favoring the compromise, there was not one that he knew of who was not a Northern man, a foreigner, or a dyed-in-the-wool Federalist. These "largest slaveholders," he added, dealt mostly in New York, Philadelphia, Paris, or New Orleans, and spent considerable portions of the year out of the South, trading or trafficking or making money negotiations with the North by the force of which they kept up opposition to the Southern defenses and drowned the true Southern feeling.[2]

In the struggle in Mississippi over the compromise before its passage by Congress, much of the contest was waged over the course of Foote, since he was the only member of Congress from Mississippi who supported that measure. Before the Nashville convention, the opponents of the compromise, through the Democratic press and public meetings, began to repudiate Foote because of his action in regard to the compromise and to call upon him to resign.[3] After that convention they became insistent on Foote's either seeking to carry out the resolutions of that body or resigning.[4] They declared that he grossly misrepresented the feelings and opinions of a large majority of his constituents in advocating the report of the committee of thirteen and should in accordance both with honesty and with his previously expressed opinions on that subject resign.[5] The *Canton Madisonian* suggested that the dispute in the Senate between Davis and Foote as to which most correctly represented Southern sentiment on the compromise bill could be very easily determined, if the seats of both

---

[2] *Mississippi Free Trader*, September 18, 1850.

[3] Quotation from the *Mississippian* in the *Mississippi Free Trader*, June 22, 1850.

[4] Resolutions of a meeting in De Soto county, August 5, 1850, *Ibid.*, September 4, 1850.

[5] Resolutions of a Public Meeting of the Democracy of Leake county, *Yazoo Democrat*, August 29, 1850; quotation from the *Yazoo Democrat* in the *Mississippi Free Trader*, June 19, 1850.

The *Mississippi Free Trader*, of June 19, 1850, asserted: "We would respectfully call Mr. Foote's attention to a convention which took place in the city of Jackson, wherein the gentleman addressing him stated, 'Your democracy, sir, is doubted:' the reply was, 'When I fail to discharge that duty and am informed of the fact by six democrats, I will resign.' If we mistake not, there are six to one voters of this state who would sign that call for his withdrawal from the Senate, sooner than sustain the proposed compromise."

gentlemen were vacated and an election held to fill them; and prophesied that one of them would be most triumphantly reëlected and that the other would be sustained by none of his own party and by only a small portion of the Whigs.[6]

But since there was no likelihood of Foote's complying with the requests for his resignation, many opposed to the compromise confined themselves to censuring his course on that measure[7] or commending Davis and the representatives from Mississippi for their devotion and energy in seeking to maintain the rights of the South and ignoring the course of Foote.[8]

In the meantime, the Whigs very naturally rallied to the defense of Foote, and through the press and resolutions of public meetings approved his course and thanked him for his "unwavering firmness, his untiring perseverance, his able and eminent services, and his patriotic efforts in the cause alike of the South and of the Union."[9]

The *Mississippi Free Trader* welcomed with satisfaction this adoption of Foote by the Whigs. It exclaimed:

> This parrotty quibbler, endless explainer and talker is getting into his true company at last—the party of the "Whig free-soldiers" . . . . . Whenever the unprincipled desert the ranks of the Democracy, they are taken into the holy keeping of all-the-decency as jewels. We surrender to the Whig free-soilers Benton, Houston, Bob Walker, Gwin, and Foote. They will truly represent the principles of that party. Spoils!—Spoils!—Spoils![10]

But the attitude of the people of Mississippi towards Foote is important only as an evidence of their attitude toward the compromise, and this they did not hesitate to show in other ways than in censure or approval of the course of Foote. The favorite method of securing an expression of popular opinion was through public meetings in the different counties. At this time, such assemblies of those opposed to the compromise took the form of non-partisan meetings called to ratify the proceedings of the Nashville convention. The Democratic

---

[6] Quoted from the *Canton Madisonian* in the *Mississippi Free Trader*, July 27, 1850.

[7] Meeting of both political parties in Attala county, August 17, *Ibid.*, September 4, 1850; Public meeting in Adams county of those opposed to the compromise, September 9, 1850, *Ibid.*, September 11, 1850.

[8] Meeting in Copiah county, August 19, 1850, *Ibid*, September 4, 1850; Public meeting in Jasper county, July 15, 1850, *Ibid.*, August 14, 1850.

[9] Rally for the Union, Natchez, September 23, *Natchez Semi-weekly Courier*, September 24, 1850.

[10] *Mississippi Free Trader*, August 31, 1850.

press was very careful to call attention to the attendance of these meetings by members of both political parties and even Whig papers admitted the presence of Whigs in them, in censuring the course of such members of the party.[11] However, it is perfectly clear that the majority in each meeting was Democratic.

Carrying out one object for which they were called, these meetings ratified and adopted the resolutions and address of the Nashville convention.[12] But the opponents of the compromise in Mississippi, understanding clearly that the immediate purpose of the endeavor to unite the South on the Nashville platform was to defeat the compromise measure in Congress, did not stop, in the meetings, with the ratification of the proceedings of the Nashville convention, but added thereto statements of opposition to the compromise.

In some instances these expressions of opposition to the compromise were both concise and sweeping. The citizens of De Soto county contented themselves with declaring: "That the bill, as reported by the committee of thirteen, is in direct violation of Southern rights

---

[11] Public Meeting in De Soto county, August 5, 1850. *Mississippi Free Trader*, September 4, 1850. The Hernando *True Whig* says: "Amongst the actors in this meeting, we recognize prominent Whigs, for whom we entertain a high opinion and regret to differ with them."

Public Meeting in Attala county, August 17, 1850, *Ibid.* The *Mississippi Free Trader* declares: "Among the officers of the occasion, the two political parties were pretty nearly equal."

Public Meeting in Yalobusha county, August 17, 1850, *Ibid.* The *Free Trader* says that this meeting "was composed of all parties, and the unanimity, among at least four hundred Southerners, was truly remarkable."

Public Meeting in Hinds county, held the first week in September, *Yazoo Democrat*, October 3, 1850. According to the *Free Trader*, this was the largest meeting ever held in that county. Those taking part in it asserted in the preamble to the resolutions adopted: "We come into this meeting, not as Whigs, not as Democrats, but as Southern men. We know no party on the vital question of Southern rights, and we will permit no party or faction or leader of either to absolve us from our just allegiance to our State and the South. We unite here as a band of brothers at the common altar of our country. We are threatened with common dangers and bound to one common duty, and one destiny awaits us all. We are resolved to make a common cause in defense of the institutions, the rights, liberties and independence guaranteed to us by the constitution of our fathers."

[12] Public Meeting in Jasper county, July 15, 1850, *Mississippi Free Trader*, August 14, 1850; Public Meeting in De Soto county, August 5, 1850, *Ibid.*, September 4, 1850; Public Meeting in Attala county, August 17, 1850, *Ibid.*, Public Meeting in Yalobusha county, August 17, 1850, *Ibid.*; Public Meeting in Copiah county, August 19, 1850, *Ibid.*; Public Meeting in Kemper county, August 24,1850, *Ibid.*, September 7, 1850; Public Meeting in Hinds county, held the first week in September, The *Yazoo Democrat*, October 3, 1850; Public Meeting in Adams county September 9, 1850, *Mississippi Free Trader*, September 11, 1850.

and all constitutional usages, and ought not to be submitted to."[13] But, for the most part, the opponents of the compromise went more into detail in objecting to that measure.

Taking the position as to sovereignty and legislative power in the territories so generally accepted in the South by the followers of Calhoun, they declared that any act of the general government, whether of commission or of omission, by which the Southern people would be shut out from as free and full enjoyment of the territories as the Northern, would be a gross violation of the rights of the South.

With regard to the admission of California, they varied somewhat in their expressions of opinion. All agreed that the admission of California with the boundaries defined in its constitution would be inexpedient, improper, and unjust to the Southern states.[14] But some went farther and declared that such an act would be a violation of the constitution and equivalent to the passage of the Wilmot proviso,[15] and the citizens of Hinds county added that the South should never submit to it, for it would be, in the language of the Mississippi convention and of the legislature, "such a breach of the Federal compact as in that event will make it their duty as it is the right of the slaveholding states to take care of their own safety, and to treat the non-slaveholding states as enemies to the slaveholding states and their domestic institution."[16]

In regard to other provisions in the compromise, the abolition of the slave trade in the District of Columbia was held to be an assumption of authority by Congress to legislate adverse to slavery[17] and declared to be inexpedient and insulting to the South.[18] But the Texas boundary bill aroused much greater opposition. The title of Texas to the boundaries fixed by her laws was upheld,[19] and the inter-

---

[13] Public Meeting in De Soto county, August 5, 1850, *Mississippi Free Trader*, September 4, 1850.

[14] Public Meeting in Copiah county. August 19, 1850, *Ibid.*, September 4, 1850; Public Meeting in Jasper county, July 15, 1850, *Ibid.*, August 14, 1850.

[15] Public Meeting in Adams county, September 9, 1850, *Ibid.*, September 11, 1850; Public Meeting in Hinds county, *Yazoo Democrat*, October 3, 1850.

[16] Public Meeting in Hinds county, *Yazoo Democrat*, October 3, 1850.

[17] Public Meeting in Adams county, September 9, 1850, *Mississippi Free Trader*, September 11, 1850.

[18] Public Meeting in Jasper county, July 15, 1850, *Ibid.*, August 14, 1850.

[19] *Ibid.*

est of Mississippi and the other Southern states in sustaining her claims, even to the extent of taking up arms in support of them, asserted.[20]

Although it is true, no doubt, that a majority of the people of Mississippi approved of these expressions of opposition to the compromise; yet there was an ever increasing minority that believed that the compromise measures were the best that the South could secure and that it was unwise to oppose them. These rallied to the support of the compromise and sought to convince the citizens of the state of the wisdom of accepting it. The resolutions passed September 23, just after the last of the compromise measures became a law, by the "Rally for the Union" in Natchez, a stronghold of Whig influence in the state, may be taken as typical of the declarations of those in favor of the compromise. In accordance with the purpose of the meeting as stated in the call, those taking part declared their attachment to the Union, their approval of the compromise measures, and their opposition to the platform of the Nashville convention, and endorsed the course of Foote and others who supported the compromise.[21]

In these resolutions on the compromise, they asserted that they recognized in that measure the observance of principles maintained and relied on by the South for the protection of her interests; that it rejected and put to rest the odious Wilmot proviso, and left the territories open equally to the immigration and enjoyment of citizens from all sections of the Union, with their property of every species guaranteed by the constitution; that it furnished the most stringent and ample remedy for the recovery of fugitive slaves; and that it recognized in the people of the territory, without regard to its locality, the right in organizing themselves into a state, to settle the question of slavery for themselves in their own organic law. Not being able to find anything to commend, however, in the measure admitting California, they contented themselves with acquiescing in it as a question subject solely to the discretion of Congress.

In dissenting from the recommendations of the Nashville convention, they declared that their right of immigration, with slave prop-

[20] Public Meeting in Adams county, September 9, 1850, *Mississippi Free Trader*, September 11, 1850; Public Meeting in Hinds county, the *Yazoo Democrat*, October 3, 1850.

[21] Rally for the Union, September 23, 1850, *Natchez Semi-weekly Courier*, September 24, 1850.

erty, to the territories of the United States, did not depend upon Congressional permission, nor could it be wrested from them constitutionally by Congressional authority; but that the Nashville platform substantially surrendered to Congress the right of unlimited legislation over slave property in the territories, and placed "it at the discretion of the majority in that body—thereby cutting off all grounds for conciliation, harmony and adjustment, and presenting as the only alternative, *Disunion*, with all its horrors and calamities." They added, as an argument in favor of the compromise, that in that settlement, the claim by the North to such power of unlimited legislation by Congress had been abandoned by both houses, not merely with regard to territory on both sides of the line 36° 30′ but also with regard to the territory that, at the time of the annexation of Texas, was placed within the reach of such prohibatory enactment.

Finally they extended the thanks of the meeting not only to Foote, but also to Clay, Cass, Dickinson, Webster, and the other distinguished members of Congress, who, abandoning all party, sectional, and personal considerations, had united in patriotic endeavors to settle a most threatening and dangerous controversy, and thereby cement the more closely and permanently the bonds of the glorious Union.[22]

In this struggle in Mississippi to form public opinion with reference to the compromise and, if possible, influence Congress in regard to the passage of that measure, the supporters of the compromise freely charged the opponents with cherishing and seeking to propagate disunion sentiments and endeavored to fix on them the name "disunionists." The opponents of the compromise, however, insisted they were not disunionists. They declared that there were certain rights that the South could not give up even for the sake

---

[22] Rally for the Union, Natchez, September 23, 1850, *Natchez Semi-weekly Courier*, September 24, 1850. The *Mississippi Free Trader* printed the resolutions of this meeting in its issue of September 25, and added as its comment on them: "*Resolved*, that we consider the whole batch of the foregoing resolutions as the contemptible spawn of Southern submissionism, unworthy of citizens of the State of Mississippi; and which should be and doubtless will be repudiated by nineteen-twentieths of the people of the State."

That these resolutions were regarded as an important expression of the views of the supporters of the compromise is shown by the fact that they were answered by no less a person than Jefferson Davis. In an open letter, dated November 10, and published in the *Free Trader*, November 30, 1850, Davis defended his course on the compromise and pointed out what he considered the fallacies in the resolutions.

of preserving the Union and that they, in working to prevent the passage of the compromise and to secure these rights, were working to save the Union; and charged the supporters of the compromise with being the real disunionists, because they were contributing to the bringing about of conditions to which the South would find it impossible to submit.

While many of the opponents of the compromise took the position that the South ought not to submit to the compromise measures if they were passed, they were very guarded in their suggestions as to what should be done. This was no doubt due to the difficulty of formulating a plan of resistance that could not be charged with disunion tendencies and the knowledge, on the part of the leaders, that the giving of grounds for such a charge would alienate many who were unwilling to acccept the compromise, but who were not ready to go to the extent of endangering the Union to defeat it.

But, on the passage of the compromise measures, the excitement became so intense that it was no longer possible to restrain the expressions of disunion sentiments. While the roar of cannon gave expression to the joy of the "submissionists" of Natchez and other cities of the South and North over that event, the *Mississippi Free Trader* threw aside all hesitation and concealment and recommended state secession as a constitutional, peaceful, and safe remedy. It exclaimed:

> We see but two ways, secession or submission. Let our people determine. . . Let our Legislature at once recall our Senators and Representatives, and call a State Convention and let the issue be presented fairly to the people—*Secession or Submission.* Let us keep the peace amongst ourselves; argue the matter in each county; and then the voice of the people will decide.[23]

Although the opponents of the compromise in Mississippi had been very cautious in expressing their views as to the course the Southern states should pursue if the compromise were adopted, they had not failed to give careful consideration to that question. John. A. Quitman, as governor of the state and an earnest advocate of the policy of active resistance to the compromise, naturally became the center of the opposition to that measure and his correspondence and public papers reveal something of the desires and plans of those who favored resisting the compromise.

[23] *Mississippi Free Trader*, September 25, 1850.

A letter, dated September 19, from General Felix Huston to him shows that, at the time of the passage of the compromise, others than the editor of the *Free Trader* had come to the conclusion that secession or submission to that measure was the only alternative before the people of Mississippi; and, furthermore, clearly indicates that there must have been an understanding, among the leading men in Mississippi in favor of resisting the compromise, that the public expression, at that time, of an opinion in favor of secession would be unwise. Huston urged upon Quitman the policy of separate state secession and declared that they would be defeated if they called a general Southern convention. He wrote:

> Let Georgia or Mississippi take the lead and secede, and that brings the necessity of the general government using force—and gradually other states will join. . . . . If the Legislature is called together as no doubt you will do—the course I would suggest would be for them to pass decided resolutions and call a state convention—No time ought to be lost. . . . Now my dear Gen'l. is the time for decision and nerve and we must not be discouraged by opposition.[24]

But influence was being brought to bear on Quitman against separate state secession and in favor of united action by all the slaveholding states. On the same day that Huston addressed to Quitman his letter favoring separate secession, Senator Barnwell, of South Carolina, also wrote to Quitman outlining a course of coöperative action and urging it upon him. This letter is of great interest and importance because it came from Washington, from one of that group of Southern senators that had united in opposing the admission of California and in protesting against the California bill after its passage, and because so many of its suggestions were accepted by Quitman.

The opponents of the compromise in Washington, Barnwell wrote, were utterly prostrate and looked homeward for further opposition to to that measure. He turned to the reassembling of the Nashville convention as the first moment at which the South could unite and declared that that meeting should take place in Georgia, that its proceedings should be able and firm, and that the resolutions and address should come from Mississippi or Georgia. But he warned Quitman that the delegates sent before by those states would not suit the occasion or draw the proper kind of papers, and expressed himself as "ex-

[24] Letter of Huston to Quitman, Natchez, September 19, 1850, *Claiborne Papers*, State Archives, Jackson, Mississippi.

tremely anxious'' that Mississippi should draw them. Then, doubtless to influence the formulation of those documents, Barnwell stated his own views as to the issues the South should make up. He thought that the slaveholding states should hold a congress, to which should be submitted the question of seceding or demanding guarantees; that, until the assembling of that congress, non-intercourse, political as well as commercial, might be recommended; and that some center of political opinion other than the federal government should be created for the slaveholding people.

If the five states of South Carolina, Georgia, Alabama, Florida, and Mississippi should assemble in this congress, Barnwell believed that their objects would be accomplished, but he did not think that the friends of Southern rights in Georgia would be able to carry their convention for decisive measures. He deemed it inexpedient for South Carolina to move alone, but if any state would give assurance of sustaining her, he was for South Carolina's seceding and thus forcing a congress. However, he concluded they would first counsel together in Nashville.[25]

Letters from other public men of South Carolina show the reliance of the leaders of that state on the coöperation of Mississippi with South Carolina in resisting the compromise. Governor Seabrook wrote to Quitman to advise him that Georgia would shortly be summoned by her executive to meet in convention and to ask whether Mississippi was prepared to assemble her legislature, or adopt any other scheme to second that commonwealth in her noble effort to preserve unimpaired the Union of '87, and, also, to assure Quitman that South Carolina, though moving cautiously for satisfactory reasons, was prepared to support any movement for resistance made by two other states.[26]

Influenced by these and hundreds of other letters he received from all portions of Mississippi and from other states,[27] and by an unwavering conviction that it was both the right and the duty of the slaveholding states to refuse to acquiesce in the compromise, Quit-

[25] Letter from R. W. Barnwell to Quitman, Washington, September 19, 1850, *Claiborne Papers*, State Archives, Jackson, Mississippi.

[26] Letter of Governor Seabrook, of South Carolina, to Governor Quitman, September 20, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 36.

[27] *Ibid.*, 35.

man issued a proclamation calling the legislature of Mississippi to meet in special session, November 18, 1850.[28]

In the proclamation, Governor Quitman based his convening the legislature on the grounds that the people of Mississippi had repeatedly claimed and asserted their equality of right with the other states of the Union to the free use and enjoyment of the territory belonging to the United States, and had frequently declared their determination, at all hazards, to maintain those rights; and that, by the recent acts of Congress, they, in common with the citizens of all the slaveholding states had been virtually excluded from their just rights in the greater portion, if not all, of the territories acquired from Mexico; and, in addition, that the abolition, by Congress, of the slave trade in the District of Columbia, and other acts of the federal government, done and threatened, left no reasonable hope that the aggressions upon the rights of the people of the slaveholding states would cease until, by direct or indirect means, their domestic institutions were overthrown.

Therefore, Governor Quitman asserted, he convened the legislature:

> That the proper authorities of the state may be enabled to take into consideration the alarming state of our public affairs, and, if possible, avert the evils which impend over us, that the state may be placed in an attitude to assert her sovereignty, and that the means may be provided to meet any and every emergency which may happen.[29]

This proclamation, setting in motion the machinery provided by the legislature for resisting acts of Congress designated by it as violations of the constitution and dangerous to the rights of the South, precipitated the great struggle in Mississippi over the course the state should pursue in regard to the compromise.

---

[28] Claiborne, *Life and Correspondence of John A. Quitman*, II, 43.
[29] *Ibid.*, 43.

CHAPTER IX.

THE CALLING OF THE CONVENTION OF 1851.

The struggle in Mississippi over the policy of the state toward the compromise of 1850, which had been precipitated by the proclamation of Governor Quitman convening the legislature in special session, first centered around the action of that body when it should meet; and the object of the first campaign in that struggle was to influence the legislature in regard to the calling of a convention of the people of the state "for the assertion and defense of their sovereign and constitutional rights."

The general position of the Democratic and the Whig parties in Mississippi in the beginning of this campaign is indicated by the attitude of the press of the two parties toward the governor's proclamation. The Democratic press, with a few exceptions,[1] approved the proclamation; while the Whig papers condemned the assembling of the legislature, denied the truth of the assertions made by the governor justifying that act, and declared that the time had not yet arrived when the South "should follow Robert Barnwell Rhett or John Anthony Quitman in their circumgyrations in the tempest of high-pressure Southern partisanship."[2]

The members of Congress from Mississippi played an important part in this contest. Davis and the members of the House, having consistently opposed the compromise to the very end, by every means in their power, threw themselves into the campaign in defense of their course and also in support of the adoption by the state of a policy of resistance to that measure. Foote, on the other hand,

---

[1] The *Columbus Democrat* condemned Quitman's proclamation and declared that the governor had made a great blunder. The *Grenada* (Yalobusha county) *Republican* stated that it had not heard of a single person's approving the proclamation and declared that the extra session of the legislature boded no good to the people or to the Union, which they loved and cherished. *Natchez Semi-weekly Courier*, October 15, 1850.

[2] Quotation from the *Yazoo Whig* in the *Natchez Semi-weekly Courier*, October 15, 1850.

had been one of the most active and persistent supporters of the compromise and had declared in the Senate that it would be preëminently disgraceful and unpardonable on the part of the South to utter the language of resistance to such a law and that he should never counsel resistance, but that he should be prepared to resist the resisters and to denounce the secessionists. Therefore, on his return to Mississippi, he proceeded to make an energetic fight against the adoption by the state of a policy of resistance to the measure.

He identified himself with the party in favor of submission to the compromise, which had already begun to form in Mississippi; and, by his remarkable gifts as an eloquent and plausible campaign speaker and an aggressive and resourceful party leader, soon began to arouse and organize, in the state, a really effective opposition to the party of resistance. A less hardy and self confident man than Foote would have been dismayed by the overwhelming odds confronting him in the beginning of this struggle; for the other members of Congress from Mississippi, the governor of the state, a majority of the legislature, and, finally, a majority of the party that had sent him to the Senate and that dominated the state so completely, all were arrayed against him. But this served only to call forth greater audacity and energy from Foote; and fighting for the acquiescence of Mississippi in the compromise, the success of the party with which he had identified himself in state and national affairs, and for his own political existence, he began the extraordinary campaign that was to turn what, at first, promised to be an overwhelming defeat into a great victory.

Foote wished to open, formally, his campaign in Mississippi by a joint debate with Quitman in the state capital, on the seventeenth of October. Quitman, although he accepted Foote's challenge, did not appear,[3] but Foote was there prepared to give the "key note" to his party for the contest, and to propose a definite measure on which it could unite. He defended the compromise and charged all those who were opposed to submitting to it with seeking the dissolution of the Union as their first object;[4] and as the first movement in the campaign, he announced his determination to go over the state

[3] Foote says that Quitman was suddenly taken sick, Foote, *Casket of Reminiscences*, 353.

[4] The *Mississippian*, October 25, 1850.

and urge those who were opposed to resistance to assemble in Jackson on the day that the legislature had been summoned to meet.[5]

Meantime, the leaders of those opposed to submission to the compromise were forming plans to carry out their purpose and endeavoring to influence public opinion in favor of resistance to that measure. Although Quitman in the proclamation convening the legislature had not indicated any measures that he thought the legislature ought to adopt in carrying out the purpose for which it was called, letters from him to John J. McRae and to Governor Seabrook, of South Carolina, shortly afterwards, show that he was carefully considering what he should recommend to that body when it came together. In addition, the letters and speeches of other public men, the resolutions of public meetings, and the utterances of the press indicate that, before the assembling of the legislature, a definite policy was being formed and accepted by those in Mississippi in favor of resistance to the compromise.

In a letter to McRae, September 28, 1850, Quitman declared that it was highly important for the Southern party, both in the agitation before the people and in the action of the legislature, to move in concert; otherwise it would fail, and its failure would plunge the country into irretrievable ruin. For the purpose of securing this unity of action, he communicated to McRae a program for the future movements of the party, which he asserted was still undigested and on which he wished the full benefit of the views of all the true men of the state, especially of those in position.

Before outlining his program, Quitman, in stating the convictions on which it was based, definitely declared his belief in secession as the only effectual remedy before the South. He asserted:

> First, then, I believe there is no effectual remedy for the evils before us but secession. If any other measure short of it can be shown to promise a radical cure of the evils I am willing to adopt it.[6]

---

[5] Foote asserts that in carrying out this determination he made some forty public addresses. Foote, *Casket of Reminiscences*, 353.

[6] There is also additional evidence that Quitman had secession in view in the plans he was forming at this time. In his letter to Governor Seabrook, of South Carolina, of September 29, 1850, he writes: "Having no hope of an effectual remedy for existing and prospective evils but in separation from the Northern States, my views of state action will look to secession." Claiborne, *Life and Correspondence of John A. Quitman*, II, 37.

His program he set forth to McRae as follows:

> My idea is that the Legislature should call a convention of delegates elected by the people, fully empowered to take into consideration our federal relations, and to change or annul them, to adapt our organic law to such new relations as they might establish, to provide for making compacts with the other states, etc., etc., and that in the meanwhile an effective military system be established, and patrol duties most rigidly enforced. My message should glance at all these measures.[7]

But since the object of Quitman in writing to McRae was not simply to communicate his own views, but also to devise a program that would receive the support of "the Southern party," he asked McRae for suggestions and advice on all the subjects included in his program and informed him that he should ask, in like manner, the free opinion of Davis, Thompson, Brown, Barton,[8] Stewart,[9] and other friends. He also suggested that, for the purpose of securing united action, a committee should be appointed to meet and frame a plan of operations based on the suggestions that he should receive as, otherwise, the framing of such a plan must be intrusted to his discretion. Whatever plan should be thus determined on, he urged, should be fully sustained by every Southern man, and he pledged to it his time, his labor, his fortune, and his life. He declared:

> In the meantime, every patriot should leave no point untouched where his influence can be exerted. Cheer on the faithful, strengthen the weak, disarm the submissionists with instructions; send the fiery cross through the land, and summon every gallant son of Mississippi to the rescue. Hold meetings and challenge the submissionists to discussion, and agitate the question everywhere.

The letter to McRae also reveals that Quitman and his party were keeping in close touch with the other movements in the South in favor of resistance. He writes:

> My proposed movement is not antagonistical, but in harmony with the Nashville Convention. I have not much confidence in its efficacy beyond presenting

---

[7] Letter from Governor Quitman to Hon. J. J. McRae, Jackson, September 28, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 44–45.

In his letter to Governor Seabrook of September 29, Quitman gives this same program of the measures that he intended to recommend to the legislature. *Ibid.*, 37.

[8] Roger Barton was a Democrat and a member of the legislature from Marshall county.

[9] T. Jones Stewart was a Whig, a state senator from Wilkinson county, a member of the first Nashville convention, and an opponent of the compromise, and headed the list of 318 citizens of Wilkinson county who signed a letter to Davis approving his course on the compromise.

a plan of joint action for the states We, therefore, call into exercise the state powers to receive it. I do not believe Judge Sharkey will give notice of its reassembling; he is opposed to it. If that convention shall meet, our Legislature will meet on the following week: we can then communicate daily by telegraph. At the same time the Georgia Convention will be in session; the Legislature of South Carolina also, and probably Alabama.

We will take care to have confidential reporters at each point.[10]

While plans of action were thus being formed by the leaders, the agitation in favor of resisting the compromise even to the extent of secession, urged by Governor Quitman, was vigorously carried on. Through the press and public meetings the constitutional right of secession was proclaimed[11] and political theories in support of that right were advocated. It was asserted:

> That the State of Mississippi is a sovereignty, that her people owe obedience to the general government, but that they owe allegiance to her, and that this duty of allegiance to their state is paramount to any and all claims of obedience from any quarter; that the condition of the Union is but a compact and covenant between sovereign states, that the powers that made it can unmake it when they please, have the right to withdraw from it peaceably at any time without opposition or complaint, and in the language of Jefferson to judge of all infractions of the compact and of the mode and measure of redress.[12]

It was also asserted that provisions of the compromise were infractions of the constitution; that it was the duty and the right of the slaveholding states to resist those infractions by all the means with which they would resist any other palpable violations of the constitution;[13] and that regard for their political equality and independence, the preservation of their social relations and the peace and security of their homes, required that the Southern states should call to their

---

[10] Letter of Governor Quitman to McRae, September 28, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 45.

[11] A meeting of the citizens of Claiborne county in favor of Southern rights resolved, "That the right of peaceable secession is an inherent and reserved right, and affords no cause for war." *Mississippi Free Trader*, November 6, 1850.

The *Mississippi Free Trader*, October 9, 1850, declared: "If any of the Southern States secede, we do not believe that the mere fact of peaceful secession is, of itself, a violation of the constitutional compact, or just cause of war. Some of the States positively reserved the right to withdraw from the Union, and the very nature of the Confederate government implies that the members who formed the confederacy may dissolve it."

[12] Southern Rights Meeting in Yazoo, October 7, 1850, *Yazoo Democrat*, October 10, 1850.

The *Seashore Sentinel* also asserted: "No greater truth was ever uttered than that the allegiance of a citizen is due to the State which gives him protection, and to the Union through the State." *Mississippi Free Trader*, October 12, 1850.

[13] Southern Rights Meeting in Yazoo, October 7, 1850, *Yazoo Democrat*, October 10, 1850.

aid their sovereignty and resume the powers delegated to the general government.[14]

Opponents of the compromise also urged secession not simply as a constitutional remedy but also as a peaceable measure of redress.[15] They agreed in declaring that if the South were united on that measure and if it had made adequate preparation for defense, separation could be accomplished without war;[16] but this they were careful to state would not be the case unless the South were united.

The constitutionality of secession, however, was not yet held to be beyond denial even by some of the most ardent advocates of the state's seceding and they were not disposed to rest their arguments in favor of the state's withdrawing from the Union as a measure of resistance to the compromise on that doctrine alone. The editor of the *Mississippi Free Trader*, a most thoroughgoing advocate of secession, declared that, although he did not believe that the mere fact of peaceful secession was, of itself, a violation of the constitutional compact, he was not disposed to rely on debatable points, but that he considered that "the wrong perpetuated against, and impending over the slaveholding states, would justify revolution by armed force, if it was necessary.[17]

But those in favor of resorting to secession as an ultimate measure of resistance to the compromise did not confine their arguments to justifying the use of that remedy either as a constitutional or a revolutionary right. They sought to arouse in the people of Mississippi a determination to resist the compromise by setting before them the

---

[14] *Mississippi Free Trader*, October 9, 1850.

The *Seashore Sentinel* declared that "The slave states in order to be *free*, will be forced to erect a separate republic." *Mississippi Free Trader*, October 12, 1850.

The Southern Meeting in Marshall county, October 14, 1850, adopted unanimously the resolution offered by Roger Barton: "that if we have to choose between a disgraceful submission to said measures and secession from the Union, we prefer the latter." *Yazoo Democrat*, October 31, 1850.

According to the *Yazoo Democrat* this was "a numerous meeting" of the citizens of Marshall county and the call to it was "signed by many of the most respectable citizens, without regard to old party distinctions."

[15] Meeting of the citizens of Claiborne county, *Mississippi Free Trader*, November 6, 1850, Supra *Mississippi Free Trader*, October 9, 1850, Supra.

[16] Letter of Jefferson Davis to Messrs. B. D. Nabors, Chas. B. Ames, C. F. Hemmingway, W. D. Lyle, C. R. Crusoe, Gen. H. Foote, W. Brooke, Jas. E. Sharkey, and A. M. West, November 19, 1850, *Ibid.*, November 30, 1850.

[17] *Ibid.*, October 9, 1850.

results of submission and the advantages of secession. They proclaimed that the inevitable result of submission to the compromise would be the abolition of slavery and the consequent desolation of the South by the extermination of the white race or the indiscriminate butchery of the slaves.[18]

In proof of this, they pointed out that the admission of California, by destroying the balance of power between the free and the slave states, gave the North power to control the admission of new states, and that it was simply a question of a few years before the non-slaveholding states would be in a sufficient majority to abolish slavery by an amendment to the constitution. Then, even if the North did not exercise its power and abolish slavery, they declared, the very fact that it possessed it would produce the same result. For the border states would sell their slaves and abolish slavery; the slaves would be crowded into the extreme Southern states; and having no room for expansion and looking to the North for encouragement and support, they would be likely to rise in an insurrection that would lead to the extermination of one of the races of the South.

In addition, they urged in favor of secession in resistance to the compromise that, by the separation of the slave states from the free states, the pretext of the abolitionists that the North by its connection with the South was implicated in the sin of slavery would be destroyed and, also, that the abolitionists could be restrained from all interference with slavery in the Southern states by the law of nations. Furthermore, although they admitted that there was no certainty of the border states uniting with the other states in secession, they pointed out that their doing so would be still more uncertain in a few years, for the causes that would influence them at that time to act with the South operated more forcibly then than they would in the future.[19]

But not all those opposed to the compromise were in favor of resorting to secession in opposition to it even as a last resort. Some of the Democratic papers, in opposing the agitation in favor of that measure, reveal a cleavage, in the ranks of the opponents of the com

---

[18] *Mississippi Free Trader*, October 5, 1850; *Yazoo Democrat*, November 6, 1850.

[19] *Mississippi Free Trader*, October 5, 1850.

promise, on that question, in the very beginning.[20] The *Kosciusko Chronicle* based its opposition to secession on the ground that it would not accomplish the results the South sought. It asserted:

> We cannot believe our rights will be as much respected under a separate political existence as they have been under the Federal Constitution. In an event like the one under consideration, the vast boundary line separating us from foreign free states would prove most disasterous to the safety of slaveholders. The South would be literally hemmed in with free states, and a population on all sides opposed to our institutions. There would then be no restraining influence, no check to their depredations; those who now acknowledge our rights, and endeavor to protect them and our property, would at once cease their exertions, and leave our exposed frontiers abandoned to the wholesale depredations of lawless fanaticism. Abstractly considered, secession would perhaps be but an act of justice, but its policy must be ruinous in all its consequences, and therefore to be carried into effect only as a dernier resort.[21]

---

[20] The *Natchez Semi-weekly Courier*, October 22, 1850, in a discussion of the position of the Mississippi press on disunion, also shows this cleavage in the beginning. It says: "The enquiry is often made of us, 'How stands the press upon the Union and disunion question?' It is no easy matter to tell exactly, because many papers shun the direct issue. Many talk largely about continued agitation, who would spurn the idea of being classed for disunion. This generally arises from an unwillingness to abandon and condemn a Governor and Congressional delegation, to whom they feel the strong attachment of party ties. They, therefore, go as far as they can in following their lead, and when they come to the disunion doctrine, they prefer to stop and be silent. Hence arises the difficulty of correct classification.

"We can count up about forty-six political journals in the State. Of these, we exchange with all but two or three. There are, besides four neutral papers, not one of which we believe has the slightest affinity to disunionism. The political press we classify as follows:

Whig, and for the Union	22
Democratic, and for the Union	7
Democratic, and avowedly disunion	5
Democratic, and strongly agitationist	9
Democratic, and favoring Governor's proclamation, but opposed to disunion as a present remedy	2
Unknown	1

"There is one remarkable thing too about this. Every one of the five avowedly disunion presses is published, it is believed, in a community decidedly opposed to the pernicious doctrine they inculcate."

[21] Quotation from the *Kosciusko Chronicle*, *Natchez Semi-weekly Courier*, October 18, 1850.

The *Democrat* of Carroll county was, also, opposed to disunion and declared that in a recent meeting held in Carroll county it did not believe "that there was a man in the house who believed that the measures passed by Congress afford *sufficient* grounds for a dissolution of the Union." *Natchez Semi-weekly Courier*, October 15, 1850.

The *Columbus Republican* assured its readers that of one thing they might rest assured, "the people of Lowndes county, in spite of infinite shades of opinion respecting the late adjustment, are for the Union yet awhile, and do not regard the late bills as sufficient cause for dissolution." *Natchez Semi-weekly Courier*, November 8, 1850.

But even those most actively engaged in the agitation in favor of secession as a final resort in resisting the compromise denied that they were working to break up the Union. The *Mississippian* asserted, in its reply to the charges against the Democratic party in Mississippi made by Foote in his speech in Jackson on October 17:

> We are not seeking to dissolve the Union. Our great object is to preserve the Union, by demanding our rights under the constitution, and it is only in the event that we are driven to secession by the failure of all modes of redress that such an event can possibly take place.[22]

The *Yazoo Democrat,* also, claimed that "the Southern Rights party" was "the conservative party." It declared:

> The Southern Rights men see the danger and believe that it will and ought to cause a dissolution of the Union, and alarmed for its safety, call upon lovers of the Union to band together and if possible come to its rescue by adopting some effectual mode of saving it.[23]

The leaders who advocated secession as a final resort in opposing the compromise also defended themselves and their followers from the charge of favoring a dissolution of the Union. Jefferson Davis asserted that a most unfair attempt had been made to put in the foreground the question of union or disunion, by those who were violating or surrendering the constitutional rights to the South. He declared:

> To yield to aggression is to produce, certainly in the future, that condition from which dissolution must, and civil war probably will spring; unless it be assumed, that the Southern minority will hereafter consent to occupy such position towards the Northern majority as the colonies of North America, on the 4th of July, 1776, determined not to hold towards the Kingdom of Great Britain. . . . . To preserve the Union, the principles, the spirit of the constitution must be preserved. I do not think the North has given us reason to expect this service from that quarter;

---

[22] Quoted from the *Mississippian,* October 25, 1850, in the *Mississippi Free Trader,* October 30, 1850.

[23] *Yazoo Democrat,* November 20, 1850.

In defending the leaders of the Southern Rights party from the charge of being "disunionists," the *Yazoo Democrat* declared that "these shameless calumniators dare an immorality of infamy" by denouncing as disunionists and disorganizers such patriots as Quitman, Wilkinson, Davis, Guion, Tompkins, and a host of others, for their bold advocacy of Southern Rights; and added: "The clear exposition which Col. Davis made of his position, when in Yazoo, pleased and met the approbation of all parties, a few individuals only excepted; he was regarded as laying down a platform upon which the whole South could unite. His position and that of the party acting with him was altogether conservative. His object was to anticipate the danger and prevent it, and not sit quietly by and await the evil and then dissolve the Union."

how shall the South effect it? This, to my mind, is the question to which we should direct our investigation.

Whatever can effect that end will give perpetuity to the Union; if it cannot be reached, the government changes its character; there might remain *an* Union, but not *the* Union.[24]

But A. G. Brown, as he was most outspoken in favor of resorting to secession as a final measure of resistance to the compromise, was also most emphatic in defending himself against the charge of being a disunionist. In his speech at Ellwood Springs, November 2, 1850, he made a strong defense of himself against that charge in staunchly maintaining the necessity of resisting the compromise to preserve the Union. He said:

Let me say to you, in all sincerity, fellow citizens, that I am no disunionist. If I know my own heart, I am more concerned about the means of preserving the Union than I am about the means of destroying it. The danger is not that we shall dissolve the Union, by bold and manly vindication of our rights, but rather that we shall, in abandoning our rights, abandon the Union also. So help me God, I believe the submissionists are the very worst enemies of the Union. There is certainly some point beyond which the most abject will refuse to submit. If we yield now how long do you suppose it will be before we shall be called upon to submit again? And does not every human experience admonish us that the more we yield, the greater will become the exaction of the aggressors. . . . .

The best friend of the Union is he who stands boldly up and demands equal justice for every state and for all sections. If I have demanded more than this convince me, and I will withdraw the demand.

This justice was denied us in the adjustment bills. . . . . But we are not to infer the fault was either in the Union or in the constitution. . . . . Every thinking, reasoning man knows that in the war upon slavery, the constitution and the Union have been diverted from their original purpose. Instead of being shields against lawless tyranny, they have been made engines of oppression to the South. And am I, a Southern citizen, to be deterred from saying so by this senseless cry of disunion. . . . . I will demand my rights and the rights of my section, be the consequences what they may. It is the inperative duty of every good citizen to maintain and defend the Constitution and the Union and this can only be done by demanding and enforcing justice. Let us make the demand and let us enforce it, and let the consequences rest on the heads of those who violate the Constitution and subvert the Union in the war upon justice, equality and right.

We are told that our difficulties are at an end; that, unjust as we all know the late action of Congress to have been, it is better to submit, and especially, is it better, since this is to be the end of the slavery agitation . . . . . I might be willing to submit if this was to be the end of our troubles. But I know it is not to be the end. I know it has not been the end thus far. . . . . Listen to the notes of preparation everywhere in the Northern States, and tell me if men do not wilfully deceive you when they say that the slavery agitation is over. I tell you fellow citizens, it is not all over. It never will be over so long as you continue

[24] Letter of Jefferson Davis in response to a letter of inquiry addressed to him by B. D. Nabors, Chas. B. Ames, C. F. Hemmingway, W. D. Lyle, C. R. Crusoe, H. Foote, W. Brooke, Jas. E. Sharkey, A. M. West, Jackson, Mississippi, November 19, 1850. *Mississippi Free Trader*, November 30, 1850.

to recede before the pressure of Northern power. You cannot secure your rights; you cannot save the Union or the constitution, by following the trivial counsels of the submissionists. Pursue these counsels, and they will lead to a sacrifice of all that we hold dear—of life, liberty, property, and the Union itself. By a submission you may secure, not a Union, but a *connection* with the North. It will be such a connection as exists between Ireland and England, Poland and Russia, Hungary and Austria. It will not, it can not be the Union of our fathers—it can not be a Union of equals.[25]

During the agitation in favor of resistance to the compromise, those opposed to that measure continued the formation of plans for carrying that policy into effect. The people in public meetings recommended that the legislature should call a convention of the state to determine the mode and measures of redress[26] and instructed their representatives in the legislature to vote for such a measure;[27] while the leaders formulated and advocated the demands that should be made by that convention and the measures of redress that it should recommend.

A. G. Brown, as would be expected, boldly advocated a definite and clear cut program of resistance. In his speech at Ellwood Springs, after expressing the hope that the legislature would call a convention through which the sovereign will of the state could be spoken and that such movement in Mississippi would be responded to in most, if not all, the Southern states, Brown proceeded to set forth with the utmost freedom his opinion as to the course Mississippi and the other Southern states should pursue.[28] He said:

We should demand a restoration of the laws of Texas in *haec verba* over the country which has been taken from her and added to New Mexico. In other words, we should demand the clear and undisputed right to carry our slave property to that country, and have it protected and secured to us after we get it there; and we should demand a continuation of this right and of this security and protection. We should demand the same right to go into all the territories with our slave property, that citizens of the free states have to go with any species of property,

---

[25] Speech of A. G. Brown at Ellwood Springs, near Port Gibson, Mississippi, November 2, 1850. Cluskey, *Speeches, Messages, and Other Writings of the Hon. Albert G. Brown*, 256–258.

[26] Southern Rights Meeting in Yazoo, October 7, 1850, *Yazoo Democrat*, October 10, 1850; Southern Meeting in Marshall county, October 14, 1850, *Yazoo Democrat*, October 31, 1850; Meeting in Claiborne county, *Mississippi Free Trader*, November 6, 1850.

[27] Southern Meeting in Marshall county, October 14, 1850, *Yazoo Democrat*, October 31, 1850.

[28] Brown was careful to say that he spoke for himself alone and that no man or party was in any way responsible for what he said. Cluskey, *Speeches, Messages, and Other Writings of the Hon. A. G. Brown*, 259.

and we should demand for our property the same protection that is given to the property of our Northern brethren. No more, nor less.

We should demand that Congress abstain from all interference with slavery in the territories, in the District of Columbia, in the states, on the high seas, or anywhere else, except to give it protection, and this protection should be the same that is given to other property.

We should demand a continuation of the present fugitive slave law or some other law which should be effective in carrying out the mandate of the constitution for the delivery of fugitive slaves.

We should demand that no state be denied admission into the Union because her constitution tolerated slavery.

In all this we should ask nothing but meagre justice; and a refusal to grant such reasonable demands would show a fixed and settled purpose in the North to oppress and finally destroy the Southern States If the demands here set forth, and such others as would most effectually secure the South against further disturbance, should be denied, and that denial should be manifested by any act of the Federal Government, we ought forthwith to dissolve all political connection with the Northern States.[29]

Davis, ever more cautious and reserved in expressing his opinions than Brown, contented himself with more general recommendations. He proposed that the legislature should submit to the people the question of assembling a convention of the state to consider the existing conditions and future prospects and to decide on the measures that should be adopted; to prepare for the defense of the state, armed if need be; and to propose a convention of the slaveholding states, to be composed of formally elected delegates, to unite all those states who were willing to assert their equality with the other states of the Union and their right to an equal enjoyment of the common property and to equal protection in that enjoyment. The states united in this convention should, in his opinion, demand of the other states such guarantees as would secure to them the safety, the benefits, and the tranquillity that the Union was designed to confer. If these demands were granted, the minority could live in equality under the temple of the federal compact; but if they were refused, it would be conclusive evidence of the design of the majority, to crush all paper barriers beneath the heel of power, and the gulf of degradation would yawn before the minority. If the alternative of slavish submission or manly resistance was thus presented to the South, Davis declared that he should be in favor of the latter. Then if full provision had been made, in the preparation of arms, of munitions of war, of manufacturing establishments, and all the varieties of agriculture to which

[29] Speech of A. G Brown at Ellwood Springs, November 2, 1850, Cluskey, *Speeches, Messages, and Other Writings of the Hon. Albert G. Brown*, 259–260.

their climate and soil were adapted, he asserted that the slaveholding states, or even the planting states, might apply the last remedy,—the final alternative of separation, without bloodshed or severe shock to commercial interests.[30]

While those opposed to submitting to the compromise were thus seeking to arouse the state against that measure, those in favor of submission were working with equal ardor to prevent the state's adopting any policy of resistance. Although the *Port Gibson Herald* asserted, with seeming confidence: "That the legislature will be prepared to sustain the Governor, we cannot for a moment believe and the probability is, that they will assemble, receive the message and adjourn *sine die*,"[31] the "submissionists" really felt no such confidence. For the legislature had been elected in the fall of 1849, when the South was deeply moved over the anti-slavery sentiment manifested in the North in behalf of the passage of the Wilmot proviso and the abolition of slavery and the slave trade in the District of Columbia; and its members were, for the most part, men of extreme Southern views, who might be counted on as strongly in favor of resisting the compromise. Therefore, the "submissionists" strove to arouse public sentiment against resistance to the compromise so as to bring pressure to bear on the legislature to prevent its taking any action to further that policy.

They actively supported Foote in canvassing the state to insure the success of the mass meeting of the friends of the Union from every part of the state called by him, in the opening speech of his campaign, to meet in Jackson, on the day of the assembling of the legislature. In addition, through speeches, public meetings, the press, and every other available means, they sought to influence popular sentiment in Mississippi in favor of their views.

Judge Sharkey, whose influence was great because of the conspicuous part he had played in the Southern movement, lent effective support to this campaign in favor of submission to the compromise.

---

[30] Letter of Davis in response to a letter addressed to him by B. D. Nabors, Chas. B. Ames, C. F. Hemmingway, W. D. Lyle, C. R. Crusoe, Gen. H. Foote, W. Brooke, Jas. E. Sharkey, A. M. West, Jackson, Mississippi, November 19, 1850, *Mississippi Free Trader*, November 30, 1850; Speech of Davis at Benton in Yazoo county, *Yazoo Democrat*, November 6, 1850.

[31] Quotation from the *Port Gibson Herald*, *Natchez Semi-weekly Courier*, October 15, 1850

His part was to demonstrate that the purpose of the Southern movement was accomplished in the compromise and that the party in favor of resisting that measure was going far beyond the demands of Mississippi as formulated by the October convention and the legislature and, also, the demands of the South as expressed by the Nashville convention.

In sustaining this position, in a speech before a Union meeting in Vicksburg, October 8, 1850, Judge Sharkey advanced many of the arguments that were to be used with the most effect by those in favor of submission to the compromise. The object of the October convention in Mississippi, he declared, was to protect the constitutional rights of the people of the state and to preserve the Union unimpaired by preserving the constitution inviolate. He asserted:

> We desired to concentrate public opinion and to act in advance of the meeting of Congress, so that by the moral force of our movement, extreme action by that body might be prevented. We did not meditate anything but preventive measures, except upon the contingency that we should be forced to take an extreme stand. . . . . We did not wish to endanger the Union, and therefore hoped that violent measures might not be forced upon us.

In proof of this, he referred his hearers to the address which preceded the meeting of the convention, the resolutions adopted by that body, and the address prepared by the committee appointed by the convention for that purpose,—all of which, he declared, breathed a spirit of devotion to the Union.

The convention, according to Sharkey, expressly declared a determination to keep within the pale of the constitution; and, having so declared, enumerated, as the acts to which it would not submit, the passage by Congress of a law abolishing slavery in the District of Columbia, prohibiting the slave trade between the several states, or prohibiting the introduction of slavery into the territories of the United States. But it refused to say that it would regard the action of Congress on a mere question of expediency, confessedly within its power, as a ground of resistance. Furthermore, the legislature, also, refused to go beyond the demands of the October convention and declare that the admission of California would be a breach of the constitution and pledge forcible resistance to it.

Therefore, Sharkey held that, in the measures of the compromise, Congress had respected the demands of Mississippi. He, also, thought that the action of Congress and the speeches made in that body in-

dicated an abatement of the desire, which had been so generally exhibited in the North, to press offensive measures upon the South.

The resolutions of the Nashville convention, he held, did not go further than those of the Mississippi convention, and perhaps not so far. Resistance was not spoken of or alluded to in them, except in one contingency, that was, if Congress should discriminate against the right to take slaves into the territories; and it was fair to infer that nothing else was thought worthy of resistance. The eleventh resolution, he admitted, took a wider range than was taken by the October convention, and proposed a readiness to acquiesce in the Missouri compromise line extended to the Pacific. Although this was generally construed as laying down an ultimatum, he could not believe it was so regarded by the convention. He did not so regard it and was satisfied that many others did not; and, as such, he did not believe it would have received the vote of the convention. For he and others regarded the admission of California as a mere question for Congress to determine and they would, therefore, have been unwilling to commit themselves to that line as an ultimatum. Even the address, he declared, did not hold the position that the admission of California would violate the constitution. In his opposition to it in the convention, he had taken the ground that it did so in argument, at least, and that he could not approve it for that reason, amongst others; but he had been stopped by the gentleman who had introduced it and told that that was an unwarranted assumption.

In concluding this speech, Sharkey advanced the arguments that were really to decide a majority of the people of Mississippi against resistance to the compromise. He said:

> Now, the question is, what is to be done. Shall we submit or secede from the Union? There is no middle ground that I can see in the present attitude of affairs —If there were, I might be content to take it, but I see none. We must take our stand on the one side or the other. To resist, is to dismember the Union, for there is no law on the disputed subjects operating within our state for us to resist, and California is beyond our reach; we cannot remove her from the Union, nor can we obtain any portion of her. . . . . But whilst it is admitted by many that the admission of California is not of itself a sufficient cause for assuming a hostile attitude, yet it is contended that it evinces a determination on the part of the North to persevere in its object, and, therefore, we should resist. Then we are to dissolve the Union in the anticipation of a good cause. This will not do; let us wait until it comes. It may never come.[32]

[32] Speech of W. L. Sharkey before a Union meeting in Vicksburg, October 8, 1850, *Hinds County Gazette*, October 31, 1850.

The need of secession as a measure for the protection of the minority had not yet been sufficiently felt in Mississippi for the people, generally, to have accepted it as an article of their political creed of which they would permit no denial. Accordingly, those in favor of submission to the compromise sought to enforce the arguments against resistance by denying that a state had the right under the constitution to secede and, also, by asserting that peaceable secession was impossible. The *Natchez Courier*, as proof that Mississippi had no such constitutional right, pointed to the ordinance drawn up by the first constitutional convention of Mississippi in which the convention in behalf of the people of Mississippi renounced certain rights forever and declared the ordinance to be irrevocable without the consent of the United States. The *Courier* also argued that if the Union were a compact, as those who believed in the right of secession asserted, it was made by the assent of not one but of many, and, therefore, if Mississippi had the right to say she would, of her own volition, go out of the Union, in which she was but one of thirty-one states, every other state had the same privilege of saying she should not go out, except by common consent. As there was no umpire between these sovereign states but the sword, the *Courier* asked, "Where, then, is *peaceable* secession?"[33]

As the date for the meeting of the legislature drew near, the Whig papers became increasingly emphatic in their declarations that the people of Mississippi were opposed to disunion and in favor of acquiescing in the compromise. They asserted that they received daily proofs of the determination of the people of the state to rebuke the fell spirit of disunion, and to stand by the constitution and its safeguards; that the people of Mississippi were opposed to any further agitation on the subject of slavery and did not desire to hold any more conventions on that subject; and that they were heartily tired of the whole question and would be perfectly satisfied to acquiesce in the action of Congress, if they were permitted to judge for themselves.[34]

However the leaders of those in favor of resisting the compromise were not moved by these arguments of the "submissionists" and

[33] *Natchez Semi-weekly Courier*, October 18, 1850.
[34] Quotation from the *Lexington Advertiser* in the *Natchez Courier*, November 8, 1850.

continued their campaign to influence the legislature to carry out their views and to prepare the people of the state to support them. As a means to further these objects as well as to unite the South on definite measures of resistance, they advocated the reassembling of the Nashville convention.

Although Judge Sharkey refused to call a second meeting of that convention, delegates from Alabama, South Carolina, Georgia, Mississippi, Florida, Tennessee, and Virginia assembled in Nashville, November 11, 1850.[35] With the exception of those from South Carolina, these delegates were irregularly chosen[36] and from the manner of their choice were, for the most part, more radical in their views than those who had been present at the first meeting of the convention.

But they were not unanimous as to the action the convention should take. The South Carolina delegates were in favor of a resolution introduced by Langdon Cheves, declaring that secession by the joint action of the slaveholding states was the only effective remedy for their wrongs;[37] whereas those from Tennessee advocated acquiescing in the adjustment effected by Congress and opposed the calling of a convention of the Southern states unless Congress should commit further aggressions on the rights of the South.[38] A majority of the delegates, however, were in favor of a course between these two and the convention adopted, as its official utterance, a preamble offered by Governor Clay, of Alabama, and a series of resolutions based on those presented by the Mississippi delegates.

---

[35] According to the *National Intelligencer* November 16, 1850, there were 5 delegates from Alabama, 16 from South Carolina, 11 from Georgia, 8 from Mississippi, 4 from Florida, 14 from Tennessee, and 1 from Virginia. The delegates from Mississippi were as follows: J. M. Acker, J. J. Davenport, A. Hutchinson, W. H. Kilpatrick, Pearson Smith, Thos. J. Wharton, J. C. Thompson, Chas. McLaran. *National Intelligencer*, November 28, 1850.

[36] None of the delegates appointed by the legislature of Mississippi attended the second session of the Nashville convention. John D. Freeman says that Gov. Quitman, without any authority, appointed three delegates to represent him in this convention (*Cong. Globe*, 32 Cong., 1 Sess., appx., 338). Others were appointed, as had been suggested in the address issued by the first meeting of the convention, by public meetings in the various counties. Meeting in Yazoo county, October 7, 1850, *Yazoo Democrat*, October 10, 1850; Southern Meeting in Marshall county, October 14, 1850, *Ibid.*, October 31, 1850; Meeting in Claiborne county, *Mississippi Free Trader*, November 6, 1850.

[37] *National Era*, November 21, 1850.

[38] Cluskey, *Political Text-Book*, 535–536.

These resolutions asserted the sovereignty of the states and the right of secession, declared that in the measures of the compromise all the evils that had been anticipated by the South had been realized, and recommended that all parties in the Southern states should refuse to take part in any national convention for the nomination of a president or a vice-president until the constitutional rights of the South were secured, and that the slaveholding states should meet in a congress or convention "intrusted with full power and authority to deliberate and act with the view and intention of arresting further aggression, and, if possible, of restoring the constitutional rights of the South, and, if not, to provide for their future safety and independence."[39]

On the day of the adjournment of the Nashville convention, the legislature of Mississippi and the mass meeting of "the friends of the Union" assembled in Jackson. Governor Quitman submitted to the former body a long and elaborate message which, although he assumed entire responsibility for the suggestions it contained, was framed with the advice of the leaders of the party of resistance and may be regarded as an expression of the views of that party, colored somewhat, of course, by the extreme opinions of Quitman himself.

After discussing the progress of the anti-slavery sentiment and pointing out the injustice done the South by the compromise measures and the dangers that menaced the state, Governor Quitman proceeded to set forth the program of resistance that he had formed. To devise and carry into effect the best means of redress for the past, he recommended:

> That a legal convention of the people of the state should be called, with full and complete powers to take into consideration our federal relations, the aggressions which have been committed upon the rights of the Southern States, the dangers which threaten our domestic institutions, and all kindred subjects; and jointly with other states, or separately, to adopt such measures as may best comport with the dignity and safety of the state, and effectually correct the evils complained of.

Although he had little hope that the guarantees indispensably necessary to the safety of the South would be yielded by a majority flushed with recent victories and encouraged by apparent divisions among the Southern people, yet to leave no effort at conciliation untried, and still more to unite with them those of their own people

[39] Cluskey, *Political Text-Book*, 534–535.

who still looked for a returning sense of justice in the North, he recommended that the convention should distinctly make to the people of the non-slaveholding states a proposition to remedy the wrong done the South, so far as it might be in the power of Congress to do so, by obtaining from California concessions south of 36° 30′ or otherwise, and to consent to such amendments of the federal constitution as would thereafter secure the rights of the slaveholding states from misconstruction and further aggression.

But Quitman did not hesitate to express the decided opinion that, if these demands were refused, the only effectual remedy for the evils that must continue to grow from year to year was to be found in the prompt and peaceable secession of the aggrieved states. Hence, he urged that the probability of the ultimate necessity of a resort to this effective and unquestionable right of sovereign states should be kept in view, whatever measure might be adopted by Mississippi, either alone or in concert with her sister states, to remedy the existing evils.

Furthermore, he declared that, in the meantime, it was of the highest importance that some common center of opinion and action should be authoritatively established and suggested that this might be effected by the conventions of the several assenting states providing for a committee of safety for each state. These committees, he advised, should periodically assemble for the transaction of business and should be invested with adequate power, absolute or contingent, to act for their respective states upon all questions connected with the preservation and protection of their domestic institutions and their equal rights as sovereign states. Such a body of men, he held, even if clothed with the authority of only two or three states, would command respect and secure quiet and peaceable results to their determinations.

Quitman and his advisers, however, clearly understood that the success of their plans depended on the coöperation of other Southern states and the support of the people of Mississippi. Therefore Quitman, in concluding his message, said that the suggestions he made might be modified or changed by the results of the Nashville convention then in session or by the action of the Georgia convention, which was soon to meet. Moreover, he yielded the right of deciding the questions at issue to the people of Mississippi and declared that

when the sovereign power had spoken all good citizens, whatever might be their opinions, would acquiesce.[40]

In another message to the legislature Governor Quitman recommended, further, the organization of volunteer companies, providing a fund for their equipment and support, and requiring that the officers and men should take an oath to serve for the term of five years.[41]

The opponents of the policy of resisting the compromise were, also, prepared, through the mass meeting that had assembled in Jackson, to send in their message to the legislature. This meeting was respectable in numbers[42] and both parties were represented in it, though the Whigs were greatly in the majority.[43] Judge Sharkey was made president and Foote, standing in an opening made by the removal of a window so that he could speak to those assembled both within the hall and on the outside, made the great speech of the occasion.[44]

The proceedings of this meeting, however, were of more importance in other respects than as an attempt to influence the action of the legislature. For those present were evidently convinced that the legislature would follow the advice of Quitman and call a convention of the people of the state; and, therefore, for the purpose of making a more effective struggle against resistance to the compromise in the election of delegates to the convention, they proceeded to organize "the Union party" and to draw up a platform on which they could appeal to the people of the state for a decision, in that contest, in favor of acquiescing in the compromise.

After denouncing the message of Governor Quitman as treasonable to the nation,[45] those participating in the meeting proceeded to express their views on the questions before the legislature. They declared that Congress had passed no law inconsistent with the prin-

---

[40] Message of Governor Quitman to the legislature November 18, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 46–51.

[41] *Cong. Globe*, 31 Cong., 1 Sess., appx., 337.

[42] Foote says that 1500 people took part in this meeting. Foote, *Casket of Reminiscences*, 353.

[43] The *New York Tribune*, December 7, 1850, says there were more Whigs than Democrats in this meeting and A. G. Brown gives the proportion of Whigs to Democrats as five to one. *Cong. Globe*, 32 Cong., 1 Sess., 356.

[44] Foote, *Casket of Reminiscences*, 353. The New York Tribune mentions Foote, Gen. I. N. Davis, and John D. Freeman as among the speakers and managers of the meeting, *New York Semi-weekly Tribune*, December 7, 1850.

[45] Speech of J. D. Freeman, *Cong. Globe*, 32 Cong., 1 Sess., appx., 337.

ciples asserted by the convention of October, 1849, and that, therefore, no contingency had arisen that could excuse or palliate forcible resistance to its action; that the compromise measures were constitutional enactments and were the laws of the land and imperatively demanded the acquiescence of every citizen of the United States so long as they should remain unaltered and unrepealed; that the friends of the Union were the friends of the safety, prosperity, and happiness of the people of Mississippi; that they were resolved with the assistance of Almighty God to preserve that Union, because they believed that therein they should preserve to themselves the inestimable blessing of civil and religious liberty bequeathed to them by their forefathers; and that, as American citizens, duly appreciating the advantages of that Union, they held themselves ready at all times to respond to the call of their common country and to peril their lives, their fortunes and their sacred honor in its defense.

But even these "friends of the Union" in Mississippi, who were willing to accept the compromise measures as a *fait accompli*, were ready to declare that there were certain proposed measures of legislation to which they would not submit. They definitely announced: "That whilst we acquiesce in the enactments of the late session of Congress and feel a strong attachment and veneration for the Union established by our forefathers, still we declare that violations of our rights may occur which would amount to 'intolerable oppression.' and would justify a resort to measures of resistance; amongst which are the following:

1. The interference by congressional legislation with the institution of slavery in the states.
2. Interference in the trade in slaves between the states.
3. The abolition by Congress of slavery in the District of Columbia.
4. The refusal by Congress to admit a new state into the Union on the ground of her tolerating slavery within her limits.
5. The passage of any law by Congress prohibiting slavery in any of the territories.
6. The repeal of the fugitive slave law, or the refusal by the General Government to enforce the constitutional provisions for the reclamation of Fugitive Slaves.[46]

---

[46] The *New York Semi-weekly Tribune*, December 7, 1850, after giving the resolutions added: "And this the Union party."

This mass meeting did not originate this platform for it was set forth in an editorial in the *Washington Union*, November 14, 1850, urging that the compromise must be sustained as a treaty of peace and amity between the two sections. It was later adopted by the convention of the state of Georgia and, as the "Georgia platform," was accepted by the majority in the South as the basis of submission

"But," they added, "we are now and at all times opposed to any agitation by conventions or otherwise, of these questions, reserving the mode and measures of redress until such injury shall be inflicted."

The meeting, also, approved the efforts of Foote to preserve the Union and declared that his patriotic endeavors for that purpose entitled him to their confidence and gratitude.

Finally, they asserted that they believed that there was ample evidence of the prosecution of an organized plan by "agitators, disorganizers, and disunionists of the South" for the purpose of destroying the glorious Union and forming a Southern confederacy, and that therefore they heartily concurred in the necessity of a full and complete organization of the friends of the Union in Mississippi[47] and recommended the citizens of the several counties to form associations the object of which should be the preservation of the Union. Furthermore, those taking part in this meeting declared that they regarded the existing crisis and the momentous questions at issue as justifying the obliteration of all party lines; united, heart and hand, as "a Union party" for the preservation of the Union; and called a convention of the friends of the Union to be held the first Monday of May, 1851.[48]

The legislature, as the "Friends of the Union" had foreseen, was unmoved by the proceedings of the mass meeting and, though the minority made a gallant opposition,[49] proceeded to support the policy of resistance to the compromise. It passed resolutions approving the course of Davis and the representatives in Congress from Mississippi on all questions involving the slavery controversy before Congress at the late session, and censuring that of Foote and declaring that it did not consider the interests of the state of Mississippi committed to his charge, safe in his keeping.

---

to the compromise. It was originated, no doubt, by those in favor of acquiescing in the compromise, both to forestall further aggressions on the rights of the South and to reassure those who were hesitating to acquiesce in the compromise because they feared such aggressions.

[47] The suggestion for such an organization, according to the resolution, was made by the citizens of Noxubee county.

[48] Resolutions of the Great Mass Meeting and Convention of the Friends of the Union at Jackson, November 18, 1850, *Vicksburg Whig*, November 27, 1850.

[49] The excitement in Jackson, at this time, was intense, the administration and the opposition parties held meetings every night, and the discussions in the legislature were very bitter. *New York Semi-weekly Tribune*, November 30, 1850.

It also fulfilled the purpose for which it was called together, by providing for a convention of the people of the state of Mississippi. It justified this measure on the grounds that the legislation of Congress, controlled, as that body was, by a dominant majority regardless of the constitutional rights of the slaveholding states and reflecting the will of a section that was hostile in feeling and opposed in principle to a long established and cherished institution of Mississippi and the other Southern states, afforded alarming evidence of a settled purpose on the part of the majority to destroy that institution and subvert the sovereign power of Mississippi and the other slaveholding states; and that it was becoming and proper that a sovereign state when it was assailed should promptly resort to the most efficient means for the maintenance of its sovereignty and the preservation of its constitutional rights as a member of the confederacy, by the exercise of the highest power recognized under its republican form of government,—the expressed will of the sovereign people.

In providing for the convention, the legislature enacted that each county should be represented by as many delegates as it had representatives in the lower house of the legislature, that the delegates should be elected on the first Monday and the day following in September, 1851, and that the convention should be held the second Monday in November, 1851. Furthermore, the legislature enacted that the convention, when it had assembled, should proceed "to consider the then existing relations between the Government of the United States and the Government and people of the State of Mississippi, to devise and carry into effect the best means of redress for the past, and obtain certain security for the future, and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions as shall appear to them to be demanded."[50]

Those in Mississippi who favored resisting the compromise, had won in the first campaign over the course of Mississippi in regard to that measure. But as, with only a few exceptions, they were convinced that any effective resistance to the compromise depended on the coöperation of the Southern states, the legislature had fixed the time of the election and the assembling of the convention so as to give the people of Mississippi ample opportunity of learning

[50] Laws of the State of Mississippi passed at a called session of the legislature, 1850, 25.

definitely what support they might expect from other Southern states in resistance to that measure. Therefore, a longer and greater campaign lay before those in favor of resisting the compromise, in which their appeal would have to be made not to the legislature, but to the people of the state and in which the success of that appeal would be determined largely by the attitude of the other Southern states toward resistance.

CHAPTER X.

THE ELECTION OF DELEGATES TO THE CONVENTION OF 1851.

Old party lines having given way in Mississippi to some extent, in the beginning of the struggle over the convention of 1851, new parties were organized for the election of delegates to that convention, on the definite issue of submission or resistance to the compromise. As has been seen the Union party was formed, in the mass meeting in Jackson, November 18, 1850, by those in favor of acquiescing in the compromise, and provided with a platform and a definite plan for both central and local organizations. In addition, it was furnished an official organ, to offset the influence of the *Mississippian*, in the *Southron*, the former organ of the Whig party in the state capital, under the name of the *Flag of the Union*.[1]

Those in favor of resisting the compromise, not being so fortunate as to have assembled, at this time, a mass meeting of the citizens of the state, turned to other machinery, which they found at hand, for the organization of a Southern Rights party. In July, 1850, "The Southern States' Rights Association" had been formed in Jackson, the object of which was "to protect, maintain, and defend the constitutional rights of the South by all legal and proper means,"[2] and similar organizations had, also, been formed in other parts of the state. The leaders of the party of resistance determined to use these associations to organize a Southern Rights party. Accordingly, the one in Jackson was made "The Central Southern Rights Association of Mississippi," the others already formed were invited to affiliate with it, and, in counties where there were no such asso-

[1] *New York Semi-weekly Tribune*, December 7, 1850.

[2] *Mississippi Free Trader*, July 27, 1850.

The association was to meet at least once a fortnight and some member was to be appointed to deliver an address at each meeting, after which there was to be a general discussion. The officers elected were president, John A. Quitman, vice-president, John I. Guion, secretary, J. T. Simms, treasurer, C. R. Dickson, executive committee, Hon. C. R. Clifton, Colonel George R. Fall, and General John M. Duffield.

ciations, prominent advocates of Southern rights were urged to form them immediately.[3]

Furthermore, to set forth the views of the party on the questions at issue and to furnish a statement of principles to which the members of these associations could be invited to subscribe and on which they could rally the state against the platform of the Union party, the Central Southern Rights Association appointed a committee[4] to draw up a formal address to the people of the state.

The address recounted the grievances of the South, proposed measures that the convention of the people of Mississippi should adopt to remedy those grievances, and pointed out the necessity of the state's obtaining such redress. After reciting the history of the aggressions against slavery under the government of the United States, the address declared that the bitter warfare against that institution would not stop short of its destruction, if it were not stayed by the action of the South, and held up the measures of the compromise as steps in the consummation of the purpose of the abolitionists. Moreover, it charged that agitation against slavery rent the country with dissentions on that subject and that the abolitionists, behind the constitution as a rampart, committed acts against the rights of property in slaves that would, without the constitution and without the Union, be the cause of war. Therefore, it asserted the constitution had failed in its object, as declared in the preamble, "to establish justice, provide for the common defense, and insure domestic tranquillity;" and urged that it was time "to seek for security in amendments of its provisions, or in some other mode."

It then suggested that the convention of the people of the state should ask for amendments of the constitution by which each of the two great sections of the confederacy should, in the future, be deprived of the power of oppressing the other by unequal or unjust taxation, whether direct or indirect; by which fugitive slaves should be delivered up in the same way that fugitives from justice were and state

---

[3] Letter to Major R. Elward from A. Hutchinson, C. S. Tarpley, and E. Barksdale, the corresponding committee of the Central Southern Rights Association of Mississippi, Jackson, Mississippi, December 27, 1850, *Mississippi Free Trader*, January 8, 1851.

[4] This committee composed of both Whigs and Democrats, was as follows: J. M. Clayton, J. I. Guion, Roger Barton, T. Jones Stewart, J. J. McRae, C. R. Clifton, C. P. Smith, J. A. Quitman, and J. O. Bell. *Ibid.*, January 8, 1851.

authorities should assist in and compel their delivery; and by which all further discussion or agitation of the subject of slavery should be excluded from the halls of Congress, unless it were carried on with a view of extending to slavery the protection given to other descriptions of property.

In addition, the address proposed that the convention should ask that Congress should extend the Missouri compromise line to the Pacific ocean and, to that end, obtain the consent of California to that line's constituting her southern boundary; and that the right of the people of the slaveholding states to carry their slaves to all territory south of that line should be acknowledged and secured.

It declared that, if redress like this could be obtained, the whole difficulty between the sections would be ended by means which could not meet objection from any quarter. It, also, asserted that it was in the power of the South to secure such redress, that all that was needed was for the Southern states to satisfy the North that they were determined to maintain their rights at all hazards, and that the remaining patriotism of the North, and much more, its interest in preserving its commerce with the South, would induce it to recognize and guarantee the equal and just rights of the Southern states, "both as political communities, having distinct interests, and as states united under the compact of the constitution." At all events, the address declared, thus far Mississippi was bound to go and take her stand, and thus far her sister states of the South might go with her and stand by her side; and, if the North should act in a spirit of good faith and justice by redressing the grievances of the South, a great result would be accomplished, peace and fraternal kindness restored, and a guarantee afforded of the perpetuity of the Union.

But the address continued:

> If the North shall refuse to accede to our just demands, then will come up for decision the question whether we shall submit to grievous wrongs, and take the position of inferiority assigned to us in the Union, or look to ourselves for the protection of our rights and our institutions out if it. The evidence of hostility on their part will be complete—the cup of Submission on ours will be full. Non-action, beyond that point, will be unconditional submission. If we would remain a free people, we must resort to such remedies as under existing circumstances, should then promise to be most effectual.

The address then advanced arguments in proof of the doctrine of state sovereignty and of the right of secession. It declared that the

federal Union was formed of equal, independent sovereignties and rested on the consent of the parties to the compact; that the constitution was the bond of union and that each state had the right to judge, in the last report, of infractions of it; that, as each state acceded to the constitution and became a member of the Union voluntarily, each one might in the exercise of its high sovereign right, withdraw from the Union, without any violation of obligation to those that remained, and that if justice and good faith governed their intercourse, there could be no occasion for hostile collision. This, it asserted, was the doctrine of the fathers of the constitution. Moreover, several of the states at the time of the adoption of the constitution had expressly claimed the right to resume the power granted under the constitution and, hence, it followed that the right to secede belonged to every member of the Union and that it was a right never given up.

But the expediency of the exercise of that right, the writers of the address declared, was quite a different question. They asserted that they were by no means prepared to recommend to the people of Mississippi, at that time, to take such a step in advance of the other Southern states, even should their complaints go unheeded; but that, as a measure of precaution, it would become the duty of the convention to act with reference to the consequences of a refusal, on the part of the government of the United States, to redress those grievances, and to afford guarantees for the future protection and safety of the rights of the South, and, to that end, to provide for the appointment of delegates to meet those from the other Southern states in convention for the purpose of considering the grievances of their section and divising modes and measures of redress to be submitted to the people of the states represented in the convention for their final adoption or rejection.

The writers of the address further asserted:

> If that convention, with all the lights which may be thrown upon this subject by the events of the past as well as those which may have transpired in the interval, shall then come to the solemn conclusion that the safety of the South, the existence of their institutions and the honor of their people can only be preserved by a secession from the Union and the formation of a Southern confederacy, and should recommend that course, we know no power but that of the people in these States, who would have a right to question the justice or propriety of adopting the recommendation.

In conclusion, the address set forth the necessity of Southerners insisting on the measures that it had proposed. They could not get rid of slavery if they would, it urged; and, since there could be no equality of the races, the negroes must live among them either as their slaves or as their masters. The past success of the abolitionists, it warned the people of the South, only made them more keen for future victories and if they were not stayed they would finally attack the institution of slavery in the states. But the address declared that, if the people of the whole South would unite, the crisis would be passed and the country might be saved.[5]

Thus, before the close of 1850, two parties had been formed in Mississippi on the issue of submission or resistance to the compromise and had announced the platforms on which they proposed to fight out the question as to the action the state should take in regard to that measure. The Union party was composed of the great body of the Whigs and, also, of some Democrats who favored acquiescence in the compromise; while the Southern Rights party was made up of a large proportion of the Democratic party and a small munber of state rights Whigs. The first had the advantage of the incomparable partisan leadership of Foote and the more dignified, if less effective, guidance of the Whig leaders of the state, and of the support of the federal administration, with the full power of the federal patronage, and the Union party that was forming in Congress and the Southern states. To offset these advantages, the other party had, as leaders, the public men of the state whom the rank and file of the voters had grown accustomed to follow, and, through these leaders, control over the machinery of the state government and, what was of more importance, of the party that had so long dominated the state and with which the great majority of its voters were thoroughly identified.

But, unfortunately for the Southern Rights party, its success in this struggle did not depend on the people of Mississippi alone. For, although a majority of the people of the state were opposed to the compromise, they believed that the success of any measure of resistance to it depended on the coöperation of the Southern states. Moreover, the Southern Rights party, reflecting these views, had

[5] Address of the Central Southern Rights Association, Jackson, December 10, 1850. *Mississippi Free Trader*, January 8, 1851.

declared against separate state action, if its demands were not granted, and in favor of coöperation with the other Southern states in devising and enforcing measures of redress. Therefore, to understand the struggle in Mississippi over the policy the state should adopt in regard to the compromise and the changes in the position of the Southern Rights party during its course, it is necessary to follow the progress of the movement in favor of resisting the compromise in the other Southern states.

When the compromise measures were passed by Congress, it was generally understood that, although some of the senators and representatives who had most strenuously opposed them to the very end were from the border states, those states would acquiesce in the measure provided they were not forced into a policy of opposition by the action of the cotton states. Therefore, those in favor of resistance placed their hopes in the action of the latter, particularly South Carolina, Georgia, Alabama, and Mississippi; and the real contest over the policy the South should adopt with respect to the compromise was fought out in those states.

Soon after the passage by Congress of the bills embodying that measure, a movement in favor of resistance was under way in each of these four states. In response to it, Governor Quitman, of Mississippi, as has been seen, convened the legislature of his state for the purpose of calling a convention of the people of Mississippi. The governor of Georgia, also, issued a proclamation calling a convention of that state to meet December 10, 1850,[6] and Governor Seabrook, of South Carolina, gave assurance that his state was ready to support the others in a determined resistance to the compromise, without regard to the consequences.[7] But the governor of Alabama, although great pressure was brought to bear upon him,[8] did not deem it wise to summon an extra session of the legislature to call a convention of the state "to redress Federal outrage and oppression."

In fact in the last named state, those who opposed the compromise made a losing fight from the beginning against the submission to that measure. For both the senators, William R. King and Jere-

[6] *National Era*, October 3, 1850.

[7] Letters of Governor Seabrook, of South Carolina, to Governor Quitman, September 20, 1850, and October 23, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II., 36–38.

[8] *National Era*, October 3, 1850.

miah Clemens, threw their influence in favor of submission and Henry W. Hilliard, in its behalf, matched his eloquence against that of the fiery Yancey, the preëminent orator of the secessionists. Moreover mass meetings in Montgomery and Linden, the centers of the two most populous slave counties in the state, declared in favor of acquiescing in the compromise and it soon became evident that not only the Whigs but also a large percentage of the Democrats in the state were opposed to resisting that measure.[9]

The greatest interest, however, was centered in the campaign in Georgia for the election of delegates to the state convention. For in that election the people of a Southern state had their first opportunity of expressing their sovereign will in regard to the compromise and, furthermore, many understood that the decision of Georgia would largely determine the success of the plans for coöperative action against the compromise by the Southern states, if not the fate of the whole movement in favor of resistance. In this campaign, two parties were developed in Georgia, as in Mississippi: the Union party, in favor of submission to the compromise and composed principally of Whigs, and the Southern Rights party, in favor of resistance to that measure and made up mostly of Democrats. The state was canvassed by both with great zeal, Cobb, Toombs, and Stephens rendering effective service to the Union cause. When the returns from the election were in, it was found that the Union party had carried the state by a large majority and elected all except a small number of the delegates to the convention.[10]

The convention that assembled in Milledgeville, December 10, 1850, being virtually a Union convention, proceeded to set forth, in a series of resolutions, principles which had already been enunciated as the platform of the Union party in the South[11] and accepted as such by the convention that organized the Union party in Mississippi,[12] but which were to become famous and to be accepted by the South as the Georgia platform.[13] The convention, in these resolutions, declared that while the state of Georgia did not wholly approve of

[9] Du Bose, *Life and Times of William Lowndes Yancey*, 251–252; Hodgson, *Cradle of the Confederacy*, 286.

[10] *National Era*, December 19, 1850.

[11] Quotation from the *Washington Union*, *National Era*, November 14, 1850.

[12] *Vicksburg Weekly Whig*, November 27, 1850.

[13] Cluskey, *Political Text-Book*, 536–537, contains a part of the report and all the resolutions adopted by this convention.

the measures of the compromise, it would abide by it as a permanent adjustment of the sectional controversy. But it added:

> That the state of Georgia, in the judgment of this convention, will and ought to resist, even (as a last resort) to the disruption of every tie which binds her to the Union, any future act of Congress abolishing slavery in the District of Columbia, without the consent and petition of the slaveholders thereof; or any act abolishing slavery in places within the slaveholding states, purchased by the United States for the erection of forts, magazines, arsenals, dockyards, navy-yards, and like purposes; or any act suppressing the slave trade between slaveholding States; or any refusal to admit as a State any Territory applying, because of the existence of slavery therein, or any act prohibiting the introduction of slaves into the Territories of Utah and New Mexico; or any act repealing or materially modifying the law now in force for the recovering of fugitive slaves.[14]

The members of the convention realizing the strength of the opposition to the compromise in Georgia and the other Southern states, understood the necessity of united action to put down the movement in the South in favor of resistance to it. Therefore, "The friends of the Union" in the convention, declaring that the exigency of public affairs demanded that patriots of all parties should unite for the preservation of their rights and of the Union of the states and that all party issues should be held in subordination to the fundamental questions dividing the country, organized themselves into the Constitutional Union party on the basis of the Georgia platform, pledged themselves to use all proper means for the maintenance and success of its principles throughout the state and the Union, and recommended a national convention to be held in Washington, on the twenty-second of February, to devise means for securing their supremacy throughout the extent of the Republic.[15]

Members of Congress, who had helped to carry through the compromise, were also alarmed at the unwillingness to accept that measure manifested in both sections and, equally with the members of the Georgia convention, convinced of the necessity of united action on the part of the North and the South in opposition to the move-

---

[14] Johnston and Browne, *Life of A. H. Stephens*, 259.

These resolutions were adopted by a vote of 237 to 19. Cluskey, *Political Text-Book*, 536.

There is an essential difference between these resolutions and the enumeration of "intolerable oppressions" by the meeting in Mississippi that formed the Union party. In regard to the territories, the former declared that Georgia would and ought to resist any act prohibiting the introduction of slaves into the territories of Utah and New Mexico; while the latter declared that the passage of any law by Congress prohibiting slavery in any of the territories would justify resistance.

[15] *National Era*, January 9, 1851.

ment in favor of resistance. Accordingly, about forty members of Congress, for the most part Southern Whigs,[16] signed a pledge to resist all attempts to repeal or alter the compromise acts and, not to support for the office of president, vice-president, senator, representative in Congress, or member of a state legislature any man who was not known to be opposed to disturbing the settlement effected by those acts.[17]

Notwithstanding the alarm of those in favor of submission to the compromise over the strength of sentiment in the South in opposition to that measure, the outlook in South Carolina alone furnished encouragement to the party of resistance in Mississippi. But the leaders of that state took the position that resistance to the compromise should be made by coöperative action on the part of the Southern states and that it would be the wiser policy for South Carolina not to take the lead in any such action.[18] Hence, they allowed public sentiment in the state to crystalize in a desire to exhaust the scheme of joint action before favoring the taking of an independent step by South Carolina and in the belief that the cause would receive a fatal blow if South Carolina should attempt to take the lead.

To carry out their design, the public men of South Carolina sought to induce the Nashville convention, the legislature of Mississippi, or the Georgia convention to call a Southern congress, composed of delegates elected by state conventions, with power to make recommendations to the state conventions, or better, with full authority from the states represented to withdraw those states from the Union, or to submit "to the supreme authorities of the country" propositions for a new bargain between the states, by which equality among the members of the confederacy and protection of Southern property should be put beyond the possibility of hazard in the future.[19]

---

[16] Cobb was the only Democrat in the House who signed this pledge and Foote, Rusk, Clemens, and Gwin the only ones in the Senate. On February 6, the *National Era* asserted there were but two Northern Whigs, besides the eight Silver-Grays of New York, then on the list, Eliot, of Boston, and Cooper of Pennsylvania. *National Era*, February 6, 1851.

[17] *Ibid.*, January 30, 1851.

[18] Letter from R. W. Barnwell to Quitman, Washington, September 19, 1850, *Claiborne Papers*, State Archives, Jackson, Mississippi; Letter from Governor Seabrook to Governor Quitman, Pendleton, South Carolina, September 20, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 36.

[19] Letter from Governor Seabrook, of South Carolina, to Governor Quitman, Charleston, October 23, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 37–38.

However, only the Nashville convention carried out even in part the wishes of the South Carolina leaders. As has been seen, it recommended the holding of a convention of the slaveholding states with the full power and authority entrusted to it desired by the South Carolina leaders; but it left the time and place of such a meeting to be designated by the states desiring to be represented.[20] The legislature of Mississippi referred all action on the subject to the convention of the state to assemble in November of the following year; while the Georgia convention declared against resistance of any kind to the compromise measures.

Disappointed in their desire that some other state should take the lead in the movement for the Southern congress, and seeing the time in which there was any hope for success in such a movement slipping away, and, also, encouraged by the assurance of Governor Quitman that they might rely on the coöperation of Mississippi, the South Carolina leaders in the movement against the compromise, at length decided that South Carolina should name the time and the place for the meeting of the Southern Congress recommended by the Nashville convention. Though there was opposition to the state's breaking with her policy of not taking the lead, in December, 1850, bills were passed through the legislature, with only a few opposing votes in each house, recommending the Southern states to meet in Congress at Montgomery, January 2, 1852, and providing for a convention of the people of the state to assemble the fourth Monday of February, 1852, to consider the acts of the Southern congress.[21] The election of the delegates to the state convention was ordered on the second Monday in February, 1851, and the day following, and the election of the delegates to the congress on the second Monday in October, 1851, and the day following.[22] In addition $350,000 for arming the state was put at the disposal of the governor.[23]

Thus, at the beginning of the campaign in Mississippi over the selection of delegates to the convention of the state, there were two

---

[20] Cluskey, *Political Text-Book*, 535.

[21] Letter from Governor Seabrook to Governor Quitman, Columbia, December 14, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 39–40.

[22] *National Intelligencer*, January 4, 1851.

[23] Letter from Governor Seabrook to Governor Quitman, December 14, 1850, Claiborne, *Life and Correspondence of John A. Quitman*, II, 39–40.

courses open to the people of the state: one was to respond to the call of South Carolina and meet her in a Southern convention for the purpose of obtaining guarantees for the protection of their rights in the Union or of seceding from it; the other was to follow the lead of Georgia and agree to acquiesce in the compromise as a permanent adjustment of the controversy between the two sections. The Southern Rights party threw itself into the campaign in favor of the former policy; while the Union party supported the latter.

Each of these parties sought to prove that it stood on the platform of the October convention of 1849 and that the other had abandoned the principles upon which the people of the state had been united. The Unionists charged that the Southern Rights party by raising new issues had divided the state and produced the want of unanimity in it so deeply deplored by all its true friends. But the main charge the Union party brought against their opponents and urged most persistently was the one that Foote had, with unerring judgment, seized upon in his first speech in Mississippi in favor of the compromise, namely, that the success of the Southern Rights party would mean a disruption of the Union. Sweeping aside all declarations made by the Southern Rights party against separate state secession and in favor of united action on the part of the Southern states, they declared:

> All must act with the party who demand amendments to the Constitution, and a division of California, and if they are refused, *Secession*; or they must act with the Union men, who oppose that platform. Neither wise man nor fool can expect these demands will succeed. The issue is therefore between secession and acquiescence. Let us range ourselves then where we can be seen; for the Constitution as it is and for the adjustment, or for an amendment and disunion.[24]

The leaders of the Southern Rights party sought to parry this charge by proving that they were the true Union party and that the "Unionists" were the real "disunionists."[25] They declared that the Union party enumerated a series of acts of Congress that would amount to intolerable oppressions and justify a resort to measures of resistance; but made no efforts to secure the country against the passage of such acts. It was asserted:

---

[24] *Columbus Democrat*, January 18, 1851; *Natchez Semi-weekly Courier*, January 28, 1851.

[25] Speech of Jefferson Davis in Jackson, June 16, 1851, before the meeting of the Democratic Southern Rights party of the state. *Mississippi Free Trader*, June 21, 1851.

Now the guarantees we demand are that these "intolerable oppressions" which "would justify a resort to measures of resistance" shall not occur. The conclusion is as clear as that two and two make four, if the guarantees are not given, and the "intolerable oppression" occurs,—to-wit, "the repeal of the Fugitive Slave Law or the refusal of the General Government to enforce it"—disunion will stalk abroad in the land. The submissionists, or *Union men* par excellence, by a "resort to measures of resistance" must inevitably occasion a dissolution of the Union; unless, as we are more than half inclined to believe, their "measures of resistance" will consist in "marching up the hill and very bravely marching down again."[26]

In addition, it was urged, that the formation of a Union party in the South in that crisis should be discountenanced by every patriot because it would operate as an encouragement to the enemies of Southern institutions. For if the Union party should triumph, the enemies of Southern institutions would claim that their predictions had been verified and that the love of the Union was stronger in the people of the South than their fancied love of their rights of property; and, as their plans were but half completed, they would be stimulated to make still further aggressions upon the rights of the South. Therefore, the inevitable result of the triumph of the Union party would be the consolidation of the government and the destruction of the cherished institutions of the South. Moreover, even if such a party were unsuccessful, it would dampen the ardor of the South and stay the power that, if left untrammeled, would carve out for the section the security and the integrity of its rights.[27]

But in spite of the efforts of the leaders of the Southern Rights party to repel the charge of being disunionists and to convince the people of Mississippi that a dissolution of the Union or, what was to them much more serious, consolidation of the government and the destruction of slavery would result from the policy of the Union party, public sentiment in the state began, very early in 1851, to be affected both by the fear that resistance to the compromise might result in disunion and by the failure of the movement in the other states for the adoption of a policy of resistance, and to waver in its support of that policy. Evidence of this is found in two Democratic newspapers in different parts of the state. The *Monroe Democrat*, on January 29, 1851, and the *Woodville Republican*, on February 4,

[26] *Yazoo Democrat*, April 31, 1851.

[27] Resolutions submitted by Hon. Jacob Thompson to the States Rights meeting in Lafayette county, March 31, 1851, and his speech upon it. *The Constitution*, (Oxford, Mississippi), April 5, 1851.

gave up resistance to the compromise. The editor of the *Monroe Democrat* explained that he withdrew from the support of the state rights cause because he had become convinced that its leaders were working for a dissolution of the Union.[28] The *Woodville Republican*, on its part, declared that although the late adjustment law met its unequivocal disapproval, for the sake of peace, harmony, and union, it was willing "in common with the mass of the Southern people'' to acquiesce in that measure.[29]

But of far more importance as to the effect on the movement in Mississippi in behalf of resistance to the compromise of the failure of that movement in the other states is an address issued from Washington, February 13, 1851, by Jacob Thompson, renouncing all hope of successful resistance to the compromise. In it he declared:

> Thus divided upon what we can not do and what we will not do, I despair. All hope of resistance to the late measure which passed Congress, to any satisfactory end, is gone. I believe there is patriotism, justice, and love of the Union still existing in the free States to an extent sufficient to enable the South to obtain whatever, with a united voice, she might demand as necessary for her security and protection for the future. But if the South is divided in her requests or demands, nothing of course, will be obtained. It is vain and futile to expect it.[30]

The failure in the Southern states of the movement to resist the compromise presented grave difficulties to the Southern Rights party in Mississippi. For it had been organized on the basis of resistance to the compromise by the united action of the South and when it began to grow evident that that policy had failed, it became necessary for the leaders of the Southern Rights party to agree on a new basis on which to maintain that organization. Differences of opinion in the party on that subject immediately, appeared ranging all the way from submission to the compromise to separate state secession in resistance to it.

Jacob Thompson, in his address issued February 13, took a decided position in opposition to the latter policy and earnestly advised the people of Mississippi against acting alone. Every step Mississippi had taken, he declared, had been based upon the idea that

---

[28] Letter of J. F. M. Caldwell, editor of the *Monroe Democrat*, to the Public, January 29, 1851. *The Independent*, (Aberdeen), February 1, 1851.

[29] Quotation from the *Woodville Republican* in the *Natchez Courier*, February 11, 1851.

[30] Address of the Honorable Jacob Thompson written in Washington, February 13, 1851, *Mississippi Free Trader*, March 27, 1851.

she could not and would not act single-handed and he urged her not to change her position or to pledge herself to the attempt to secede. He said:

> I regard secession for Mississippi alone, hemmed in and compassed about as she is, as impracticable. And to make the attempt will injure the cause which we seek to maintain.[31]

Quitman, on the other hand, favored separate state action rather than submission to the compromise. In a letter to Colonel John S. Preston, of South Carolina, March 29, 1851, he set forth at length his views concerning public sentiment in Mississippi and the other Southern states at that time, with respect to the compromise, the measures that would be adopted by Mississippi in resistance to it, and the course that South Carolina should pursue in view of the situation in the other Southern states.

Public sentiment in the state, Quitman wrote, was unquestionably hostile to the so-called compromise measures of Congress, and daily becoming more so; but there was not sufficient evidence to prove that the feeling had settled down into any definite plan of action. He believed, however, that an increasing majority regarded the existing state of things as inconsistent with the safety of the Southern states, were not disposed to acquiesce in its continuance, and were ready to adopt some practicable mode of resistance. Therefore, he had no fears for the success of the Southern Rights party in the contest for the convention, if the members of Congress, state officers, and other prominent friends of Southern rights acted in concert in support of some efficient measure of resistance.

He gave it as his opinion that some such plan as the one proposed in the address of the Central Southern Rights Association would be adopted by the convention. But he revealed the essential difference in the views and aims of those who advocated it by asserting:

> There are many of us who believe, indeed are well assured, that neither the majority in Congress nor the non-slaveholding states will assent to either of these just propositions, unless demanded by the Southern States with a unanimity not to be expected; but still we think the propositions are due to our confederates before we part with them, and again, there are some among us who still have hopes that the people of the North, when deliberately and solemnly appealed to with the alternative of separation distinctly made, will yield to our demands.

---

[31] Address of the Hon. Jacob Thompson written in Washington, February 13, 1851, *Mississippi Free Trader*, March 27, 1851.

From the state of public sentiment in Mississippi, Quitman asserted, there was but a step to that which prevailed in South Carolina; but that step, the last in anticipation of unconditional separation, would be deliberated on long and cautiously. The slightest exciting cause, however, would carry the state onward; yet, without it, public sentiment, alarmed by the imaginary evils of an unknown future, might recoil and pause a long time in doubt and uncertainty. He believed, then, from the indications at that time, that Mississippi, if her propositions were not promptly acceded to, would invite her neighboring sister states to form with her a new confederacy; but that she might, from her weakness and the inconvenience of her position, withhold the final act until one of her immediate neighbors should be willing to join her; and that she would not, probably even if redress and guarantees were absolutely refused, venture to secede alone, for many of her boldest and staunchest Southern Rights men would not advise separate secession under any circumstances, although a few, including himself, thought that there were evils in the future even greater than separate secession.

As to coöperative action on the part of the Southern states, he had no hope, at that time, that a majority of the slaveholding states would unite in any effective measures for curing the evils complained of, and did not look beyond the cotton states for united action. Indeed he feared that the frontier states would never abandon the Union, however great its oppressions, unless rudely driven from it by the North, or forced to chose between a Southern and a Northern confederacy. Neither did he think there was a prospect of the cotton states authoritatively taking joint action at that time. While it was true, that in some of those states, particularly Alabama, Florida, and Louisiana, much discontent with the action of Congress prevailed, and the spirit of resistance was extending itself among the people; yet nowhere, except in South Carolina and Mississippi, was it proposed to act authoritatively on those questions. Therefore, to those states alone, could they look for any efficient action. The latter was not yet fully prepared for final action; it had less capital, was younger and weaker than the former, and had no seaport. The former should, then, take the lead, and fearlessly and confidently act for herself and Mississippi would, Quitman felt assured, take position by her side, and soon all the adjoining states would follow her example.

In conclusion, he urged the separate secession of South Carolina in a way that showed how completely he had lost confidence in co-operative action and with arguments that proved to be sound under the conditions of the next great crisis over slavery, at least. He wrote:

> If, therefore, the people of South Carolina have made up their minds to withdraw from the Union at all events, whether joined by other states or not, my advice would be to do so without waiting for the action of any other state, as I believe there would be more probability of favorable action on the part of other Southern States after her secession than before. So long as the several aggrieved states wait for one another, their action will be over-cautious and timid. Great political movements, to be successful, must be bold, and must present practical and simple issues. There is, therefore, in my opinion, greater probability of the dissatisfied states uniting with a seceding state than of their union for the purpose of secession. The secession of a Southern state would startle the whole South, and force the other states to meet the issue plainly; it would present practical issues and exhibit everywhere a wider-spread discontent than politicians have imagined. In less than two years all the states south of you would unite their destiny to yours. Should the federal government attempt to employ force, an active and cordial union of the whole South would be instantly effected, and a complete Southern confederacy organized. All these results are problems which the future alone can solve.[32]

The South Carolina leaders were convinced, with Quitman, that they had failed in their efforts to unite the Southern states in a movement to resist the compromise.[33] Therefore, many of the most determined opponents of that measure turned to separate state action. In the elections in February for the state convention, the extremists had won an overwhelming victory. Of the 167 delegates chosen, the *Charleston Mercury* declared that it was safe to say that 127 were in favor of separate secession on the part of South Carolina.[34] But this convention was elected for the purpose of receiving and acting upon the recommendations that might be made by the Southern convention called to meet in January, 1852, and was, therefore, not to meet for more than a year. Consequently, those in favor of separate secession initiated a movement in favor of an earlier meeting of that body for the purpose of adopting a plan of separate state

---

[32] Letter of Quitman to Colonel John S. Preston, of South Carolina, Monmouth, March 29, 1851, Claiborne, *Life and Correspondence of John A. Quitman*, II, 123–127.

[33] They were confirmed in this belief by the action of the Virginia legislature. That body passed with great unanimity, resolutions expressing kind feelings for South Carolina, but declaring in favor of abiding by the compromise measures, pronouncing against secession, and announcing the purpose of Virginia to send no delegates to the Southern congress. *National Era*, April 3, 1851.

[34] *New York Semi-weekly Tribune*, February 26, 1851.

action on the part of South Carolina in resistance to the compromise, by calling a convention of delegates from the State Rights associations of South Carolina to meet in Charleston, May 5, 1851.

Although strenuous opposition was made to this movement by Senator Barnwell, Langdon Cheves, and others who had been foremost in support of coöperative action on the part of the South against the compromise, Robert Barnwell Rhett carried the convention with him. The result was that body adopted a series of resolutions in which they asserted the right of secession and declared that it was necessary for South Carolina to relieve herself from the wrongs and aggressions that had been perpetrated against her by the federal government with or without the coöperation of the other Southern states and that they looked with hope and confidence to the convention of the people to exert the sovereign power of the state in defense of its rights at the earliest practicable period, and to the legislature to adopt the most speedy and effectual measures towards that end.[35]

In the campaign that followed in South Carolina, those who favored coöperative action of the Southern states in resistance to the compromise, but were opposed to separate secession on the part of South Carolina united with the members of the Union party in the state and, under the guidance of such leaders as Barnwell, Butler, Orr, Perry, and Poinsett, ably opposed those in favor of separate state action, led by Rhett, Maxy Gregg, Ex-governor Seabrook, and Governor Means. But even these leaders of the party of separate secession counted on other Southern states coming to the support of South Carolina when once it had committed itself to the policy of secession, and recognized that the people of South Carolina would be influenced in the adoption of that policy by the attitude of the other states.[36]

But, at that time, as Quitman wrote to Governor Means, of South Carolina, every other Southern state, except Mississippi, had bowed her neck to the yoke or silently submitted and nowhere but in that state had any authoritative step been taken to meet South Carolina

[35] *National Era*, May 15, 1851.

[36] Letter of Colonel Maxy Gregg to Quitman, May 9, 1851, Claiborne, *Life and Correspondence of John A. Quitman*, II, 132–133; Letter of Colonel Maxy Gregg to Quitman, May 15, 1851, *Ibid.*, 134–135; Letter of Whitemarsh B. Seabrook to Quitman, June 9, 1851, *Ibid.*, 139–141; Letter of Whitemarsh B. Seabrook to Quitman, July 15, 1851, *Ibid.*, 141–143.

in a Southern congress.[37] So to Mississippi the leaders of the secession party in South Carolina, urged on in their course by the advice of Quitman and encouraged by his assurances of the public sentiment in Mississippi, turned for support.[38] How far Quitman was right in his belief that his state would support South Carolina in her policy of resistance was to be determined by the results of the elections in Mississippi.

The views of Quitman were, however, important. For, although, at that time, he was a private citizen, his popularity had been greatly increased by the circumstances that had led to his resignation as governor to stand trial before a federal court under an indictment charging him with having violated the neutrality laws of the United States;[39] and, as a consequence of what was regarded by many as his persecution by the federal government because he was "the resistance chief of a resistance state," he was very generally regarded as the candidate his party would place in nomination for governor in the elections for state officers that were to be held in September, 1851. Therefore, his position received much attention in the campaign that was being waged over the course of the state toward the compromise.[40]

[37] Letter from General Quitman to Governor Means, of South Carolina, Monmouth, May 25, 1851. Claiborne, *Life and Correspondence of John A. Quitman*, II, 135.

[38] Letters of Whitemarsh B. Seabrook to General Quitman, June 9, and July 15, 1851, *Ibid.*, II, 139–143.

[39] Quitman had been interested in the liberation of Cuba and in June, 1850, the grand jury of the United States Circuit Court in New Orleans had returned indictments against him, John Henderson, of Texas, and others for "setting on foot, and furnishing the means for a military expedition against the island of Cuba." Although Quitman and his advisers denied the power of the United States courts to order the arrest of the chief magistrate of a state until he had been first removed from office, and some of his friends urged him to resist arrest and thus precipitate a collision between the federal and the state authorities, which would, in its sequel, involve the other Southern states, Quitman wisely decided not to confuse the questions at issue between the South and the federal government by the question of his arrest, and resigned the office of governor and reported to New Orleans for trial. The trial of General Henderson resulting in a mistrial, the other cases, including Quitman's, were dismissed. The result of the whole affair was to increase the popularity of Quitman and the bitterness of feeling in the state towards the federal government. *Ibid.*, II, 53–79.

[40] Foote made it one of the main points in his attack on the Southern Rights party. He openly stated, in a public speech in Jackson, that Quitman, in a private conference with him, in Vicksburg, during the preceding winter, had told him that he was in favor of unconditional secession; that he was a disunionist *per se*; and that he believed that secession was the only remedy for past aggressions and would recommend direct and prompt secession in his special message to the legislature. Foote insisted, furthermore, that Quitman so interpreted his message

The leaders of the Union party were quick to perceive the advantage of having Quitman, the most extreme and uncompromising of the states' rights leaders, as the candidate of their opponents for governor and also the effective campaign that Foote, as their candidate, could make against him. The *Natchez Courier* asserted:

> If Gen. Quitman runs, as the embodiment of the principles of secessionism, there is evident propriety that Gen. Foote should run as the exponent of the Union party. . . . . With these two candidates there could be no mistaking the issue. . . . . In Quitman's person, the people would decide upon the propriety of his calling the Legislature; upon his message; upon the Convention bill; upon the demands made for amending the United States Constitution, and upon the Executive recommendation of peaceable secession. In Gen. Foote's person, they would pass upon the policy of acquiescence in the compromise as an adjustment, as long as it was fairly acquiesced in; upon the sufficiency of the present Constitution; upon the propriety of contending for our constitutional rights in the Union, rather than struggling for existence out of it, and upon the wisdom and fairness of censuring Gen. Foote for his zeal displayed for the American Union.[41]

The Union party, as a whole, agreed with the *Natchez Courier* as to the standard bearer it should name for the approaching elections; and, as it had firmly taken its stand on the platform on which the party had been organized, the proceedings of the Union state convention held, in Jackson, on the first Monday in May, for the purpose of nominating candidates for state offices, were marked by great unanimity. Although the convention was made up, for the most part, of Whigs,[42] the nominations were equally divided between the two old parties, Foote, of course, being nominated for governor. The resolutions of the mass meeting held in Jackson, November 18, 1850, were unanimously adopted as a platform by the convention and the organization of Union associations in every county of the state was recommended.[43]

---

and spurned any other construction of it. Letter from J. McDonald to Quitman, Jackson, April 3, 1851, *Claiborne Papers*, State Archives, Jackson, Mississippi.

[41] Quoted from the *Natchez Courier* in the *Mississippi Free Trader*, April 7, 1851.

[42] The *Mississippian* declared that "the submission Whig State convention" was made up of the same old Whig party with the exception of a few Democrats who had gone over to them. In the entire convention of nearly 200 delegates, it did not think there were more than 20 Democrats; and, except from one county, there was not a single Democratic member north of Carroll county. Quotation from the *Mississippian* in the *Mississippi Free Trader*, May 14, 1851.

[43] *Natchez Weekly Courier*, May 13, 1851.

The committee on resolutions was made up of the following prominent men of the party: Gen. Thos. G. Polk, Gen. Jno. D. Freeman, Gen. Patrick Henry, Gen. Wm. Clark, Col. Chas. Clark, Col. Wm. H. Johnston, Jas. L. Alcorn, Esq., Col. E. Rush Buckner, A. G. Horn, Esq., Col. H. C. Adams, Hon. C. L. Dubuisson, Dr. Wm. D. Lyles, Dr. Edward Pickett.

But there was no such unanimity in the Democratic State Rights party, as the members of the Southern Rights party had begun to call their organization, as among their opponents in regard to either the platform it should adopt at its convention to be held in June, or the nominee for governor. Although many of the leaders of the party continued to express their approval of Governor Quitman's message to the legislature[44] and to stand upon the platform laid down in the address of the committee of the Central Southern Rights Association,[45] yet they realized that the basis of their earlier position had been swept from under them by the failure of the resistance movement in all the other states except South Carolina. Furthermore, they understood the effect on public sentiment in the state of the acquiescence of the other Southern states in the compromise and of the fear that resistance on the part of Mississippi, under the circumstances, would lead to secession; and, for the most part, became convinced that they could not carry the state on their first platform. Therefore, especially after the nomination of Foote by their opponents, many began to urge the modification of their earlier position.

The extent to which some of them thought it necessary to make this modification and their reasons for their belief are well set forth in a letter to Quitman, dated May 20, 1851.[46] The writer stated:

> This cry of Union and disunion has frightened many of the timid but well meaning Democrats. They have come to a pause, and scarce know what to do. . . . A convention to form a plan of ultimate disunion can not now be carried. If the issue be made approval or disapproval of the adjustment measures, then I am confident the non-contents have the majority—the lowest point short of acquiescence, and short of an abandonment of state rights, will be most certain to secure the majority. Success with a very moderate platform is better than defeat with one based upon higher ground. The battle to be fought will be a hard one; every topic will be urged, and every argument insisted on that will at all subserve their ends, by the Foote men. Disunion *per se*—secession—a small spice of treason, just enough to escape the trator's doom, will be charged upon the State-rights men. All this must be repelled, and must be met by a moderation which, while it does not surrender our rights, adopts that show of remedy which is most in accordance with the spirit of the times. Should it be said that the State-rights party has aban-

---

[44] Speech of Jefferson Davis in Jackson, June 16, 1851, *Mississippi Free Trader*, June 21, 1851.

[45] Letter of John J. McRae to S. R. Adams, Enterprise, Mississippi, April 30, 1851. *Ibid.*, May 17, 1851.

[46] Claiborne, *Life and Correspondence of John A. Quitman*, II, 121–122. Claiborne carefully suppresses the name of the writer of this letter and the place from which it was written; but he says that the letter was "from one of the ablest and purest men of his party, a state-rights man of the strictest sect, and of great influence."

doned its position, all that is necessary to reply is to show the changes and tergiversations of their leader.

Surely they do not desire a monoply on that score. The change in Virginia, in Georgia, in Alabama, indeed in all the slave states, fully justifies Mississippi in saying she will not take a step which those whose interests are identical will not aid her in maintaining. The question is to be looked at practically. What Mississippi ought to do, under the altered circumstances which surround her, is the true point, nor what she ought to do if all her sister Southern States sustained her. The mere abstract point of right will seldom do to stand upon in public affairs. The sentiments expressed in your last message, even the more subdued tone of what is styled the Clayton address, are too strong for the popular feeling in this section. Perhaps the public mind might be brought up to that standard, but I do not believe it can.

What, then can be done? But little I fear. First, it can be declared that our state thinks the Compromise Acts were unjust to the South; next that while she is unwilling to secede, in the present posture of affairs, she will always be ready to go hand in hand with her sisters of the South in repelling aggression. Non-intercourse with abolition states, as far as practicable, may also be recommended.[47]

The movement in South Carolina in favor of separate state action also raised the question as to the course the Democratic State Rights party would advocate for Mississippi to pursue toward South Carolina if she should secede alone. Although Quitman, in his correspondence with the public men of South Carolina who were working to bring about the separate secession of that state, reaffirmed the opinions that he had expressed earlier to Colonel Preston and his assurance that Mississippi would support South Carolina in her determination to regain her equality in the Union or to maintain her independence out of it,[48] others in the party did not approve of that policy. They declared that, if Mississippi were contiguous to South Carolina, there were many grave considerations to induce her to link her destiny with that of her sister state; but that, since Mississippi had no ports of entry and all the states contiguous to her would remain in the Union, secession on her part would not be wise nor render aid to South Carolina.[49]

Even Quitman, at length, was forced to give way, somewhat, before the rising tide of public sentiment against disunion. In defending himself against the charge of being a disunionist, he gave expression to views strangely unlike those he set forth in his letters to the South Carolina leaders. He asserted that the Union party had done

---

[47] Claiborne, *Life and Correspondence of John A Quitman*, II, 121–122.

[48] Letter of Quitman to Governor Means, of South Carolina, Monmouth, May 25, 1851. *Ibid.*, II, 135–136.

[49] *Yazoo Democrat*, June 4, 1850.

him an injustice in construing his message delivered at the called session of the legislature, in 1850, so as to make him a disunionist *per se* and the advocate of immediate and separate secession, when the whole tenor of the message contradicted any such idea, for he was utterly opposed to Mississippi's taking any steps without concert with her sister states. He did not hesitate to say that the South had suffered sufficiently to justify resistance, but he declared that separate and disjointed resistance might ruin all; while joint action might, nay would protect the South and save the Union.[50]

When the Democratic State Rights convention met in June, its proceedings gave unmistakable proof of the modification of public sentiment in Mississippi in regard to resistance to the compromise. In framing the platform, the counsels of those who favored "the lowest point short of acquiescence and short of an abandonment of state rights" prevailed. In the resolutions adopted, the members of the convention expressed their condemnation of the compromise measures; but in regard to the real issue of the campaign, namely, the measures that the state convention should adopt to redress the grievances inflicted on the Southern states by the compromise, they contented themselves with asserting that they relied on that convention to estimate justly the wrongs they had suffered and to indicate the mode and measures of redress. Moreover, they sought to shift the issue of the campaign to approval or disapproval of the course of the members of Congress from Mississippi with respect to the compromise by expressing their condemnation of the Southern senators and representatives who voted for those measures and their approval of the course of those who opposed their adoption, and appealing to the people of Mississippi for their verdict on that question.

The convention, also, while maintaining the doctrine, to which the leaders of the party were thoroughly committed, of the right of a state to secede, tried to protect their party from the charge of seeking to promote a dissolution of the Union. They asserted "that no right can be more clear or more essential to the protection of the minority than the right of the state peaceably to withdraw from the Union, without denial or obstruction from any quarter whatever;" but declared that the exercise of the right of secession "by the State of

[50] Summary of a speech of Quitman, *Vazoo Democrat*, June 11, 1851.

Mississippi, under existing circumstances, would be inexpedient and is a proposition which does not meet the approval of this convention."[51]

As might be inferred from the failure of the convention to sustain the position taken in the address by the committee of the Central Southern Rights Association, of which Quitman was a member, much less the more extreme position that had been taken by Quitman in his message to the legislature, there was strong opposition in the convention to the nomination of Quitman for governor. The delegates feared both that he was too inflexible in his views and also that he was too thoroughly identified in the minds of the people with the more extreme principles and policies that he had advocated, for the party to be able to maintain under his leadership the position that the convention assumed. In addition, they understood that the efforts of the Union party to make the issue of the campaign union or disunion would be furthered by the nomination of Quitman, and believed that by the nomination of Jefferson Davis they could make the issue the approval by the people of the state of his course in regard to the compromise, or Foote's.

But since the right to the nimination as governor had been generally conceded to Quitman because of the circumstances under which he had resigned that office, the convention could not risk a division in the party by putting him aside without his consent. Therefore, the committee on nominations, after consultation with Davis, proposed to Quitman that he should withdraw in favor of Davis and accept the senatorship that Davis would resign. Quitman, however, refused to agree to the proposal and nothing was left for the convention to do except to nominate him as the candidate of the Democratic State Rights party for governor.[52]

The campaign that followed was one of the bitterest and most

---

[51] Resolutions of the Democratic State Rights convention, June 16–17, 1851, *Mississippi Free Trader*, June 25, 1851.

Jefferson Davis drew the resolution in regard to secession. Letter of Jefferson Davis to James Alfred Pierce, August 22, 1852. Varina Howell Davis, *Jefferson Davis*, I, 471.

[52] Jefferson Davis, *The Rise and Fall of the Confederate Government*, I, 19; Reuben Davis, *Recollections of Mississippi and Mississippians*, 315. Reuben Davis was one of the delegates from Monroe county to the convention and says that on his way to the meeting of that body he passed no man without asking his preference between Jefferson Davis and Quitman and found that three out of four voters were for Davis and that many said that, in a choice between Foote and Quitman, they would vote for the former.

exciting in the history of the state. In every county, contests were carried on between candidates of the two parties for the convention and for the legislature; while the candidates for the state offices and the more important leaders of the two parties canvassed the state to arouse enthusiasm and win support for their respective tickets.

The Union party, as the members of the Democratic State Rights convention feared when they nominated Quitman, succeeded in fixing the issue, and the campaign was fought largely on the question of secession. The Unionists, for the most part, denied that a state possessed a constitutional right to secede from the Union[53] and sought to fix on their opponents the charge of working for the sesession of Mississippi in opposition to the compromise. The members of the Democratic State Rights party, on the other hand, took their stand on the position assumed by the state convention of their party in regard to secession. In defending that position, they maintained the right of a state to secede from the Union sometimes as a constitutional right and sometimes as a revolutionary right, but, in general, without carefully discriminating between the two. They, also, insisted that they were neither "submissionists" nor "disunionists" and that they regarded both extremes as equally dangerous to the rights of the state and the Union.[54]

The position of the Democratic State Rights party in the campaign following the convention of the party in June, was, perhaps, best set forth by Jefferson Davis. In a speech at Fayette, he declared that if the secession of Mississippi from the Union presented the only alternative to social and political degradation, he would say "secession" and that he believed that the state of Mississippi would adopt that alternative. But he asserted that there were many steps between those two open to the state, and proceeded to set forth the course of action that it should follow. The people of Mississippi, he declared, should organize for the purpose of claiming their rights in the territories. Then, they should endeavor to meet the other Southern states to confer with them as to the best means of repelling aggressions and obtaining security for the future; and, if there was unanimity of feeling,

[53] *The Independent* (Aberdeen, Miss.), April 5, 1851; *Natchez Semi-weekly Courier*, October 1, 1851.

[54] Letter to the people of Lowndes county, from the State Rights candidates for the convention, William L. Harris, George H. Young, and James M. Wynne, Columbus, July 3, 1851, *Southern Standard*, July 5, 1851.

a proposition might be adopted requiring certain securities from the North. But if the other Southern states did not join Mississippi in her efforts in behalf of Southern rights, then Mississippi should stand aloof in readiness so that, when eventually the other states should be forced, by future calamities, to join her, she could arrange with them for mutual coöperation.

In addition, Davis urged that Mississippi should meet South Carolina in the Southern congress, both because she had drawn South Carolina into the controversy and, therefore, should not leave her to bear the difficulties and encounter the dangers before her alone, and also because, by that means, Mississippi might be able to save her from taking that last resort to which she had determined to recur, although she might be abandoned by all the other states. For, if Mississippi met South Carolina, the two states could make propositions that one of them could not, and thus South Carolina might be prevented from separate state secession. But, Davis added, if he were asked to go out of the Union with South Carolina his answer would be "no," for unless the people of Mississippi were attached to coterminous states in secession, they would be worse off than before; and, further, Mississippi would be more effective in the Union than out of it, for she would be able to give South Carolina more assistance and advice.

Though Davis asserted in this speech the right of a state to secede from the Union, he did not maintain it as a constitutional right. It was truly said, he declared, that secession was the right of revolution; and if the colonies had a right to secede from British rule, although that secession was opposed, by the same reason a state had a right to secede from the federal government.[55]

Public interest in this campaign centered largely in the contest between Quitman and Foote, who, as the candidates of their respective parties for governor, were, also, the officially recognized leaders in the struggle over the selection of delegates to the convention. Unfortunately for the success of the Democratic State Rights party, Quitman agreed to meet Foote in a series of joint debates. For while Quitman was neither an orator nor yet a ready and plausible campaign

[55] Summary of a speech delivered by Jefferson Davis at Fayette, *Mississippi Free Trader*, July 23, 1851.

speaker, Foote was one of the best stump speakers of his day.[56] He was a master of irony and satire and the art of provoking his enemy and understood thoroughly how to make an issue and also how to evade one. Moreover, the lack of dignity and restraint in his style and manner that often made his speeches unsuitable to the formality of the senate chamber served to add to his effectiveness on the hustings. Pitted against Quitman he appeared at his best.

In the canvass, Quitman attacked the course of Foote on the compromise and his desertion of the Democratic party;[57] while Foote charged Quitman and his party with seeking to promote a dissolution of the Union and assailed him and the other leaders of the Democratic State Rights party in the most merciless manner.[58] Quitman's friends soon perceived that he was not sustaining himself in the debates and urged him to crush Foote with personalities,[59] but Quitman could not and would not resort to such tactics. Leaders of the Union party, however, were not content with Foote's triumphs over Quitman in the joint debates, but urged him, if possible, to drive Quitman from the field, by using all his arts of buffoonery to provoke him to the highest pitch.[60] Accordingly, Foote became so heated and personal in his remarks as to tax too heavily the forbearance of his adversary,—and the joint debates were closed by a fight between the two, on July 18, at Pontotoc.[61]

This termination of the debates in which Quitman appeared at such a disadvantage would have been to the advantage of the Democratic State Rights party, if new appointments had been made by both candidates. But Foote was allowed to fill all the old appointments; while Quitman followed two days behind him. Therefore, Foote boasted everywhere, to the large crowds that gathered to hear him, that he had driven Quitman from the field.[62]

---

[56] Reuben Davis describes Quitman's style of speaking as "poor and flat," and speaks of Foote as "the best stump speaker then living." Reuben Davis, *Recollections of Mississippi and Mississippians*, 317.

[57] Claiborne, *Life and Correspondence of John A. Quitman*, II, 145–146.

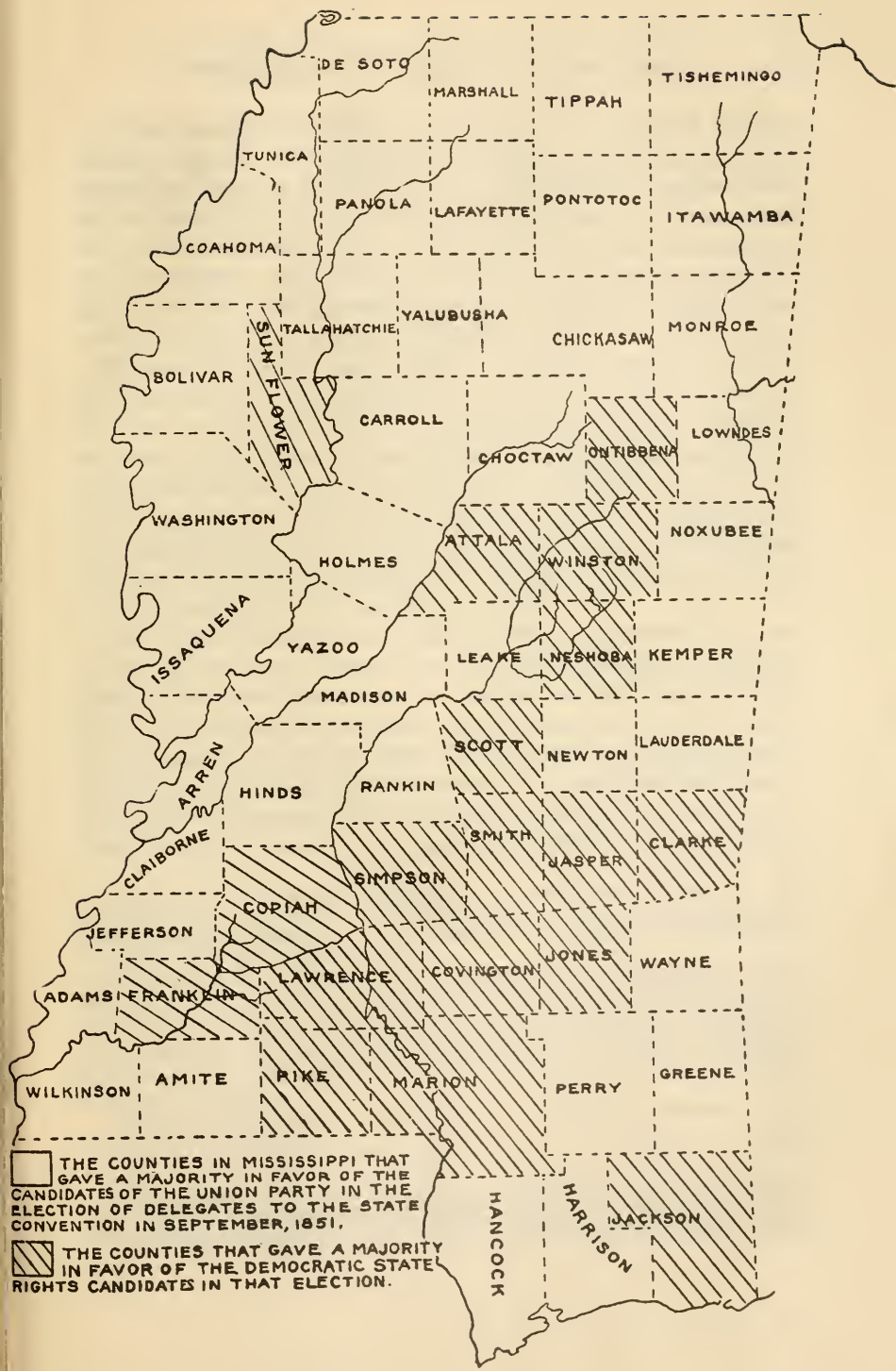
[58] Reuben Davis, *Recollections of Mississippi and Mississippians*, 317–318.

[59] Letter from L. Saunders to Quitman, Natchez, July 13, 1851, *Claiborne Papers*, State Archives, Jackson, Mississippi.

[60] Letter from F. W. Quackenboss to Quitman, Yazoo City, July 23, 1851, *Claiborne Papers*, State Archives, Jackson, Mississippi.

[61] Claiborne, *Life and Correspondence of John A. Quitman*, II, 146.

[62] Reuben Davis, *Recollections of Mississippi and Mississippians*, 318.


DE SOTO
MARSHALL
TIPPAH
TISHEMINGO
TUNICA
PANOLA
LAFAYETTE
PONTOTOC
ITAWAMBA
COAHOMA
ITALLAHATCHIE
YALUBUSHA
CHICKASAW
MONROE
SUN FLOWER
BOLIVAR
CARROLL
CHOCTAW
OKTIBBEHA
LOWNDES
WASHINGTON
ATTALA
NOXUBEE
HOLMES
WINSTON
ISSAQUENA
YAZOO
LEAKE
NESHOBA
KEMPER
MADISON
SCOTT
NEWTON
LAUDERDALE
ARREN
HINDS
RANKIN
SMITH
JASPER
CLARKE
CLAIBORNE
SIMPSON
COPIAH
JEFFERSON
JONES
WAYNE
LAWRENCE
COVINGTON
ADAMS
FRANKLIN
WILKINSON
AMITE
PIKE
MARION
PERRY
GREENE
HANCOCK
HARRISON
JACKSON
THE COUNTIES IN MISSISSIPPI THAT GAVE A MAJORITY IN FAVOR OF THE CANDIDATES OF THE UNION PARTY IN THE ELECTION OF DELEGATES TO THE STATE CONVENTION IN SEPTEMBER, 1851.
THE COUNTIES THAT GAVE A MAJORITY IN FAVOR OF THE DEMOCRATIC STATE RIGHTS CANDIDATES IN THAT ELECTION.

In the election of delegates to the state convention, on the first Monday and the day following in September, 1851, the people of Mississippi were, at length, given an opportunity to express their will in regard to the policy the state should pursue with respect to the compromise and they gave their decision in favor of acquiescing in that measure. The candidates of the Union party were elected to the convention from all except eighteen counties and together they received a majority of more than seven thousand votes in the state.[63]

Although the Union party might well rejoice over its great victory, the policy of acquiescing in the compromise had not received such emphatic approval from the people of Mississippi as might be supposed. For in spite of the exciting campaign, the vote in this election fell below that in the election for governor in 1849, the decrease being almost equal to the majority by which the Union ticket had carried the state.[64] In fact, the Union party, notwithstanding the large majority with which it had carried the election, had not received a majority of the votes in the state.[65]

The failure of a large number of the citizens of Mississippi to vote in this election was, no doubt, due to their unwillingness to support either of the two courses open to the state at that time. For the state and congressional elections beginning in the Southern states in the summer of 1851 confirmed the view, which had been already generally accepted, that public sentiment in the other Southern states, except South Carolina, was in favor of acquiescing in the compromise;[66] and in September, the people of Mississippi understood that

---

[63] *Mississippi FreeTrader*, October 25, 1851; *Tribune Almanac*, 1852, 44. By comparing map 1 and map 2, it will be seen that not one of the counties that returned State Rights delegates to the convention was a populous black county producing 10,000 bales of cotton.

[64] The official returns for the election for governor in 1849 gives 33,117 votes for Quitman and 22,996 for Lea (*Senate Journal*, 1850, 314–315); and the Tribune Almanac of 1852 gives 28,402 votes for the Union ticket in the election of delegates to the state convention in 1851 and 21,241 for the State Rights ticket, with no returns from Coahoma, a county with about 325 votes. (*Tribune Almanac*, 1852, 44). This makes a total of 56,113 votes cast in the first election and of 49,643 in the second.

[65] The total vote cast for Davis and Foote in the election for governor in November, 1851, was 57,717.

[66] *New York Semi-weekly Tribune*, August 12–15, 1851; *National Era*, August 21, 1851.

In these elections the people of Alabama, at length, had an opportunity to express their sentiment in regard to the compromise and they declared, unequivocally in favor of submission to that measure on the basis of the Georgia platform

only the alternative was left to them of acting with South Carolina alone in resistance to the compromise or acquiescing in that measure. Many were restrained from voting for the former policy from the belief that it would accomplish nothing or the fear that it might lead to separate state secession and yet were unwilling to declare themselves in favor of acquiescing in the compromise. Consequently they refrained from voting at all.

The result of the election in Mississippi of delegates to the state convention, therefore, simply proclaimed that the people of the state, in view of the failure of the movement to resist the compromise in all the Southern states except South Carolina, were unwilling to adopt a policy of resistance to that measure.

---

by reëlecting Governor Collier, who stood upon that platform, over Shields, who presented the issue of unconditional submission, and by returning to Congress a Georgia platform Whig or Democrat from every district except the fourth, where a triangular contest among a Southern Rights Democrat, a Georgia platform Whig, and an unconditional submissionist resulted in the triumph of the latter. Du Bose, *Life and Times of William Lowndes Yancey*, 261–266; Hodgson, *Cradle of the Confederacy*, 301-314.

CHAPTER XI.

THE END OF THE STRUGGLE IN MISSISSIPPI OVER THE COMPROMISE.

The struggle in Mississippi over the compromise of 1850 did not end with the election of delegates to the state convention. For the issues connected with that measure had also become the basis of the contest for the election of state officers and members of Congress, which was not to be decided until November. Therefore, the important questions in the contest over the compromise in Mississippi, after the election of delegates to the state convention, were the interpretation that each party would put on the results of that election and its effects on the course of each in the rest of the campaign for the election of state officers and members of Congress.

Public meetings of members of the Democratic State Rights party in the counties of Madison and Attala, soon after the September elections, declared that the people of Mississippi in the selection of delegates to the state convention had not decided in favor of submission to the adjustment measures, since a large and patriotic portion of the people of the state had voted against the convention, or declined to vote at all, under the impression, produced by the false denunciation of unprincipled demagogues, that the Democratic State Rights party contemplated a dissolution of the Union, either directly or indirectly, by means of the convention, and that the issue in the election was "Union or Disunion;" and asserted that it was their firm and deliberate conviction that a great majority of the people of Mississippi were in favor of the principles and policy set forth in the resolutions of the Democratic State Rights Convention in June.[1] But the members of the Democratic State Rights party, for the most part, interpreted the election as a declaration by the majority of the people of Mississippi in favor of acquiescing in the compromise and

[1] Resolutions adopted by a meeting in Madison county, September 8, 1851, *Weekly Independent*, October 18, 1851; Resolutions adopted by a meeting in Attala county, September 15, 1851, *Ibid.*

gave in their submission to that decision as "the verdict of the sovereign people."[2]

Quitman agreed with the majority of the members of his party in this interpretation of the results of the election and, deeply chagrined at what he considered the condemnation by the people of Mississippi of his policy on the slavery question while governor and the principles upon which he was again nominated for that office, resigned as the candidate of his party for governor.[3] The Democratic State Rights party was thus left, as the result of the election of delegates to the state convention, in the midst of a campaign for the election of state officers and members of Congress, without a platform and without a candidate for governor.

As a standard bearer to replace Quitman, the sentiment of the party was unanimously in favor of Jefferson Davis. Accordingly, he was placed in nomination for governor by the executive committee of the party, ten days after Quitman's resignation; and, with true self-sacrifice, resigned his office as senator to serve the party in its hour of need.

But as to the issues upon which the campaign should be continued, there was not the same unanimity of opinion among the members of the Democratic State Rights party as there was in regard to the nominee to replace Quitman. Those who did not regard the election as a decision by the people of Mississippi in favor of acquiescing in the compromise insisted that it was the duty of the party to sustain the platform adopted by it in the June convention.[4] Some argued that, although the people had agreed to acquiesce in the compromise, it did not follow that they approved that measure; and urged that the contest for governor should be based on the issue whether the compromise measures and the conduct of the Southern men who supported them were approved or disapproved.[5] Others urged that all issues connected with the compromise should be dropped and the

[2] *Yazoo Democrat*, September 17, 1851; Meeting of the Southern Rights Association at Benton, Yazoo county, September 13, 1850, *Ibid.*

[3] Address of Quitman to the Democratic State Rights Party of Mississippi, September 6, 1851, Claiborne, *Life and Correspondence of John A. Quitman*, II, 146–147.

[4] Resolutions adopted by a meeting in Madison county, September 8, 1851, *Weekly Independent*, October 18, 1851; Resolutions adopted by a meeting in Attala county, September 15, 1851. *Ibid.*

[5] *Yazoo Democrat*, September 17, 1851.

campaign made on the old ones of Democratic principles in opposition to Whig measures.[6]

But on Jefferson Davis, who agreed to assume the leadership of the party in its defeat, rested, to a great extent, the responsibility of determining its interpretation of the results of the September elections and its course in the rest of the campaign for the other elections. Recognizing this, he issued, soon after his nomination, an "Address to the People of Mississippi," discussing these questions.

In regard to the first he wrote:

> Since the recent election of delegates to the State Convention I have asked myself what have the people decided? Have they decided the issue which was presented by one party, but never accepted by the other—of Union or Disunion, in favor of the Union? Then I am with the majority, and know of no party in the State opposed to the decision. The people of Mississippi have given too many and conclusive proofs, by acts which speak louder than words, of their attachment to the Union, and willingness to make all proper sacrifices for it. The "Democratic State Rights Convention" of June last, speaking of State secession, in their 15th resolution, said: "Whilst we assert the right we consider it the last remedy, the final alternative, and also declare that the exercise of it, by the State of Mississippi, under existing circumstances would be inexpedient, and is a proposition which does not meet the approbation of this Convention." Did the election, then, decide that Mississippi should not secede from the Union? I know of no party, and trust there are few, very few individuals, who desired that she should adopt so suicidal a policy. Did the election decide that the people of Mississippi approved the action of Congress on the subject of slavery, and the territories of the United States? I hope not, I believe not. For the future as well as the past, I should deeply lament such a decision. Have the people decided that, though not satisfied, not approving, yet they will bear the evil without seeking any remedy, and shape their future action by the course of future events? I bow to the popular judgment, and but fulfill the declaration I have heretofore made, and comply with the duty of a citizen when I say I acquiesce in the decision of the people, the source of all power in the State, whatever that decision may be.[7]

Having accepted the results of the election as an expression of the will of the people to acquiesce in the compromise, Davis proposed to continue the campaign on the issue of the domestic policy of Mississippi. Therefore, putting aside all issues relating to the position of the state in its federal relations with the declaration that the convention of the state to assemble in November and the subsequent action of the people upon its proceedings would settle those questions, he closed his address to the people of Mississippi by presenting his views in regard to the educational and economic development of the state.[8]

---

[6] *Mississippi Free Trader*, September 16, 1851.

[7] Address of Jefferson Davis to the People of Mississippi, September 25, 1851, *Ibid.*, October 8, 1851.

[8] *Ibid.*

The Union party, however, had been too successful with the old issues to allow them to be discarded for new ones without opposition. They declared that the "Secessionists and Disunionists" were undertaking an "unmitigated *swindle*" in endeavoring to produce the impression that the question of secession was settled and that they acquiesced in the decision of the people, for they did not acquiesce nor did they consider the question settled.[9] The Whig press maintained that there was no change in the campaign except the substitution of the name of Davis for that of Quitman since the issues were the same; asserted that there was not a voter in the state who did not know that the tendencies of the principles of Davis were as dangerous to the perpetuity of the Union and the peace and harmony of the country as were those of Quitman;[10] and ridiculed the attempt of Davis to make the people believe that there had been no disunion party in the state, or if there had been, it was the Union party.[11]

The Democratic papers that had gone over to the support of the Union party, but admired Davis, were fairly caught in the unexpected turn the campaign had taken. They took no pleasure in opposing Davis and the difference between their treatment of him in this canvass and that of the Whig papers is of great significance for the future of the Union party. The attitude of the *Primitive Republican* towards Davis is typical of that of other Democratic papers supporting the Union ticket. It declared in an editorial on Davis's "Address to the People of Mississippi:"

> Like everything emanating from Davis, the address is a calm, dignified, and plausible production. It is mainly devoted to an exposition of his course on the compromise measures, the whole being pervaded by a substratum of Democracy. In the present antagonism which Davis has arbitrarily assumed towards Foote, our convictions of justice constrain us to sustain the latter. We repeat, however, that those who contemplate with pleasure the political destruction of Davis find no sympathy in our breast, while we are free to confess that he has adopted the most promising means of his own martyrdom in the position which he now occupies. Upon what principle he could resign his commission as Senator, and invoke the support of the people for Governor, we do not understand, unless upon the fallacious idea that there is not room enough in the public service for both Foote and himself.[12]

---

[9] *Hinds County Gazette*, September 25, 1851.

[10] *Vicksburg Daily Whig*, September 24, 1851.

[11] Criticism of Davis's Speech in Aberdeen, October 20, 1851, *Weekly Independent*, October 25, 1851.

[12] *Primitive Republican*, October 9, 1851.

The elections took place on the third and fourth of November and resulted in a victory for the Union party, though its majorities were not so great as in the election of delegates to the convention. Although Davis had been ill at the time of his nomination and, consequently, had not been able to canvass during a part of the short period between that event and the election, the vote cast for him was only 999 less than that for Foote.[13] This great reduction in the majority of Foote below that of the candidates of the Union party for the convention was not due to a loss of votes by Foote, for he received more votes than they did; but to the fact that many people who had not voted in the September elections voted for Davis in November.

In the contests for the other administrative offices, the Union party elected its candidates by majorities larger than Foote's. It, also, returned sixty-three out of the ninety-eight members of the lower house of the legislature, but elected only seven of the sixteen members of the senate chosen that year.[14] In the congressional elections, its candidates, Nabors, Wilcox, and Freeman defeated Thompson, Featherston, and McWillie, who had, as members of the thirty-first Congress, violently opposed the passage of the compromise and, as leaders of the Democratic State Rights party, urged the adoption by the state of a policy of resistance to it. But A. G. Brown, the most radical and the most outspoken of all the delegates from Mississippi in the thirty-first Congress both in opposition to the passage of the compromise and in favor of the adoption by the state of measures of resistance to it, was returned to his seat in Congress by the votes of his loyal supporters in the "piney woods" counties.[15]

However open to different interpretations the elections of delegates to the state convention may have been, only one construction could be placed on the results of the November elections. His opponents and even members of his own party had refused to accept the statement of Davis that the Democratic State Rights party regarded the vote in the September elections as a decision of the people of the state

---

[13] *House Journal*, 1852, 256. Foote received 29,358 votes; Davis, 28,359.

[14] *Tribune Almanac*, 1852, 44.

The results of the election gave the Union party eleven members in the Senate and the Democratic State Rights party twenty-one.

[15] *Ibid.*

in favor of acquiescing in the compromise and accepted it as an expression of the sovereign will of the state of Mississippi; and to allow him to shift the election for state offices to domestic issues.[16] Therefore, the question at issue in the November elections was again the policy of the state in regard to the compromise; and the people, on this occasion, gave their decision unmistakably in favor of acquiescence in that measure.

However, the decision of the state in regard to the adjustment of the issues that had risen in the great struggle over slavery was not left to be settled by the interpretation of results of elections. For the convention of the people of the state that met November 10, 1851, officially set forth the "deliberate judgment" of the people of Mississippi "on the great questions involved in the sectional controversy between the slaveholding and non-slaveholding states of the Americal Union" in the following resolutions:

1. *Resolved*, That in the opinion of this Convention, the people of Mississippi, in a spirit of conciliation and compromise, have maturely considered the action of Congress, embracing a series of measures for the admission of California as a State into the Union, the organization of Territorial Governments for Utah and New Mexico, the establishment of the boundary between the latter and the State of Texas, the suppression of the Slave Trade in the District of Columbia, and the extradition of Fugitive Slaves, and connected with them, the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia, and whilst they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy, so long as the same, in all its features, shall be faithfully adhered to and enforced.

2. *Resolved*, That we perceive nothing in the above recited legislation of the Congress of the United States which should be permitted to disturb the friendly and peaceful "existing relations between the Government of the United States and the Government and people of the State of Mississippi."

3. *Therefore, Resolved*, That in the opinion of this Convention the people of the State of Mississippi will abide by the Union as it is, and by the Constitution of the United States without amendment—That they hold the Union secondary in importance only to the rights and principles it was designed to perpetuate; that past associations, present fruition, and future prosperity will bind them to it so long as it continues to be the safeguard of those rights and principles.

4. *Resolved, Further*, That in the opinion of this Convention, the asserted right of secession from the Union on the part of a State or States is utterly unsanctioned by the Federal Constitution, which was framed to "establish," and not to destroy

[16] The *Mississippi Free Trader*, November 1, 1851, declared that the issue in the elections on the third and fourth of November was acquiescence or non-aquiescence in the absorption by free soilism of all the public domain owned, or to be owned, by the United States, for the decree had gone forth from the great mouthpiece of the Whig administration, Daniel Webster, "that *from henceforth and forever, no more slaveholding states shall ever be admitted into the Union*;" and urged that, since the popular convention had been lost, the people of the state should elect a firm Southern legislature.

the Union of the States, and that no secession can in fact take place, without a subversion of the Union established, and which will not virtually amount in its effects and consequences to a civil revolution.[17]

5. *Resolved, Further,* That whilst in the opinion of this Convention, such are the sentiments and opinions of the people of the State of Mississippi, still violations of the rights of the people may occur which would amount to intolerable oppression, and would justify a resort to measures of resistance, amongst which, in the opinion of the Convention, the people of the State have designated the following:

1. The interference by Congressional Legislation with the institution of Slavery in the States. 2. Interference with the trade in Slaves between the States. 3. Any action of Congress on the subject of Slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety and domestic tranquility—the rights and honor of the slaveholding States. 4. The refusal by Congress to admit a new State into the Union on the ground of her tolerating slavery within her limits. 5. The passage of any law by Congress prohibiting slavery in any of the territories. 6. The repeal of the Fugutive Slave Law, and the neglect or refusal by the General Government to enforce the constitutional provisions for the reclamation of Fugitive Slaves.

6. *Resolved Further,* That in the opinion of this Convention the people in the recent elections have been governed by an abiding confidence that the said adjustment measures of Congress would be enforced in good faith in every section of the land.[18]

Though these resolutions expressed the opinions of the majority of the convention, they did not meet the approval of all the delegates. The three members of the Democratic State Rights party of the committee on resolutions submitted to the convention a report, in which they presented the views of their party on the questions discussed in the majority report. The resolutions presented in the minority report declared that the convention, believing that the position of

---

[17] William Barksdale, of Lowndes county, a Union delegate, moved to strike out this resolution, and Joseph B. Cobb, also a Union delegate from the same county, while admitting the doctrine of the resolution, declared that it was inexpedient "to adopt an open and abstract question as the permanent position of a sovereign State," and sought to have the doctrine asserted, as a matter of opinion by the members of the convention, apart from the main body of its action; but the convention by a vote of 22 to 67 declined to strike out the resolution and passed it by a vote of 73 to 17. Those who voted against the resolution were Barksdale, of Lowndes; Backstrom, of Neshoba; Cherry, of Jasper; Cannon, of Oktibbeha; Connelly, of Pike; Easterling, of Jones; Edwards, of Pontotoc; Gilliland, of Attala; Jones, of Franklin; Keon, of Smith; Miller, of Copiah; McLendon, of Clark; Phillips, of Marshall; Scales, of Sunflower; Smith, of Scott; Sturgis, of Copiah; Sturgis, of Simpson. *Journal of the Convention of the State of Mississippi,* 1851, 33.

[18] Preamble and Resolutions as adopted by the Convention, *Ibid.,* 47–48.

There were two other resolutions in this series. In the seventh, the convention declared that it deemed it unnecessary to refer its action to the people of the state for their approval or disapproval, on the ground that the people desired all further agitation of the slavery question to cease and had already decided all the questions acted upon. In the eighth resolution, the convention censured the legislature for having called a convention of the state without having first submitted to the people the question of whether there should be a convention or not.

the people of the state on the slavery question had been fully defined in the report and resolutions of the October convention of 1849, considered it inexpedient to assume any new position on that question; that it deemed it right and proper that full weight should be given in its action to the will of a majority of the people of Mississippi, as expressed in the election in September, in regard to the slavery question; that it considered acquiescence in the measures of Congress called the compromise the settled policy of the people of Mississippi, as indicated by that election; but that it did not regard the election in September as an expression in favor of the justice or the wisdom of the whole series of those measures, but rather as an assent yielded to them, by the people, in preference to the adoption of any course that might tend to endanger the union of the states, and that, while the people had thus yielded their assent to those measures, in view of all the surrounding circumstances, they had in nowise intended to sanction them, so that they should be thereafter invoked as precedents of right against them; and, finally, that the convention deemed it proper to declare that the government of the United States is one of delegated power, formed by delegates from the several sovereign states, and limited by a written constitution, which was ratified by the states separately; that all powers not expressly delegated, or necessary to carry out the delegated powers, were reserved to the states respectively, and that it necessarily followed, that any state possessed the right to judge of infractions of the constitution, and that whenever an exigency should arrive, which, in the opinion of the people of the state, was sufficient to justify the step, a state had an unquestionable right to resume the delegated powers and withdraw from the Union.[19]

Although this report was laid on the table by a vote of 72 to 14,[20] it is hardly second in importance to the resolutions adopted by the convention, for it expressed the views of a large minority in the state,

[19] Minority report submitted to the convention from the committee on resolutions by Wm. R. Cannon, W. P. Harris, and Sam'l N. Gilliland. *Journal of the Convention of the State of Mississippi*, 1851, 27–30.

[20] *Journal of the Convention of the State of Mississippi*, 1851, 42.

The delegates who voted in the negative were: Backstrom, of Neshoba; Cherry, of Jasper; Cannon, of Oktibbeha; Connelly, of Pike; Easterling, of Jones; Gilliland, of Attala; Harris, of Lawrence; Keown, of Smith; Miller, of Copiah; McLendon, of Clark; Scales, of Simpson; Smith, of Scott; Sturges, of Copiah; and Sturges, of Simpson.

if not a majority, in the position it took in regard to the questions before the convention.[21]

But both the resolutions adopted by the convention and those supported by the minority in that body agreed that the majority of the people of Mississippi had decided in favor of acquiescence in the compromise, and accepted the decision as the verdict of the sovereign will of the state. Therefore, the proceedings of the convention mark the end of the great struggle in Mississippi over the compromise of 1850.

With the acquiescence of Mississippi in that measure, South Carolina was left alone in opposition to it. As has been seen, in the convention of the Southern Rights Association of South Carolina in May, 1851, a movement had been launched in favor of separate se-

---

[21] That the minority report, in addition to expressing the views of the Democratic party also expressed the sentiment of some of those who had supported the Union ticket in the elections, is shown by the attitude of the *Primitive Republican* toward the resolutions adopted by the convention. In its issue of November 27, 1851, this paper declared: "The policy of final acquiescence was urged—not because the Compromise measures were 'liberal and just'—nor because sovereign States had no redress—but 'for the sake of the Union'—the policy of acquiescence being accompanied by an expression of disapproval of the settlement, while its acceptance was proclaimed to be sacred and inviolable at all risks. Such is our 'Union platform.' . . . .

"In as far as the Union party of Mississippi was based upon the practical issue of acquiescence in the slavery settlement, we were naturally allied with it—no farther. This we expressly asserted when we placed its candidate at our masthead. We repudiated the political theories which prevailed in that party, and which the late convention embodied into a public creed. If the transient nature of the issues which that Convention was *alone* called to determine for the State of Mississippi, had not dissolved any connection of ours with it, its late action inevitably produced that result. . . . . We propose to review the proceedings of the Convention next week."

In its next issue, December 4, 1851, the *Primitive Republican* asserted: "The composition of the Union ticket for the Convention, in this county, furnished a conclusive fact against the false and fradulent assumption that the right of secession was in issue. If so, how was it that Capt. Wm. Barksdale was nominated and elected as a Union candidate? We refer the reader to his remarks upon our first page, in which he proclaimed in Convention what was known during the canvass to be his fixed views upon this subject. The truth is that the proceedings of the body, and especially its fourth resolution, 'was not the entertainment to which we were invited.' If it had been, we know of several prominent gentlemen in this place who would have with us promptly declined. . . . . .

"If we turn to the Union platform of the State we find it equally silent upon the subject in regard to which the late Convention volunteered a sweeping affirmation, a subject upon which at least there was an honest contrariety of opinion amongst the friends of the Union cause, and one in no way connected with the discharge of the practical and legitimate business. . . . . .

"In view of these dogmatic tests, any connection of ours with the *union party*, as contradistinguished from the UNION CAUSE, would have been inevitably dissolved, *even if the decision of the isolated issue for which the Convention assembled, had not* IPSO FACTO, *finished the mission of the Union party.*"

cession by South Carolina in resistance to the compromise. Time, however, had been given for the intense excitement in that state to subside and a soberer second thought to take its place. Therefore, as one Southern state after another gave in its submission to the compromise and, finally, even Mississippi refused to support a policy of resistance to it, the people of South Carolina listened more willingly to those who counselled against the rashness of separate state action; and in the election of delegates to the Southern congress, on the second Monday in October and the day following, gave their decision against that policy by electing a large majority of delegates who were its pledged opponents.[22] But the people of South Carolina understood that all the other Southern states had declined to meet their state in this congress to which they were choosing delegates and that coöperative action on the part of the Southern states against the compromise had definitely failed; therefore, their decision, in this election, against separate state action closed the struggle in the state over the compromise of 1850.

It remained, however, for the state convention to meet, April 26, 1852, and the proceedings of that body fittingly mark the end of the first great crisis over slavery. For, in the resolution and ordinance adopted, South Carolina formally assumed the position to which a large part of the South had advanced in this struggle in defense of slavery and which the section, as a whole, was to occupy in the next great crisis over that institution.

By a vote of 136 to 19 the convention resolved:

> That the frequent violations of the Constitution of the United States by the Federation Government, and its encroachments upon the reserved rights of the sovereign States of this Union, especially in relation to slavery, amply justify this State, so far as any duty or obligation to her confederates is involved in dissolving at once all political connection with her co-States; and that she forbears the exercise of this manifest right of self-government from considerations of expediency only

and ordained:

> That South Carolina, in the exercise of her sovereign will, as an independent State acceded to the Federal Union, known as the United States of America; and that in the exercise of the same sovereign will it is her right, without let, hindrance, or molestation from any power whatsoever, to secede from the said Federal Union; and that for the sufficiency of the causes which may impel her to such separation, she is responsible alone, under God, to the tribunal of public opinion among the nations of the earth.[23]

[22] *National Era*, October 23, 1851; *Ibid.*, November 13, 1851.

[23] Journals of the Conventions of the People of South Carolina held in 1832, 1833, and 1852, 150–151.

CHAPTER XII.

PERMANENT SIGNIFICANCE IN MISSISSIPPI OF THE CRISIS OVER THE COMPROMISE OF 1850.

The permanent significance in Mississippi of the controversy over the extension of slavery in the territory acquired from Mexico and the compromise of 1850 lies in the relation of that controversy to the long struggle waged by Mississippi, in common with the other Southern states, in defense of slavery, which resulted in their withdrawal from the Union.

In this crisis, the people of Mississippi definitely assumed the position in regard to slavery that they were to occupy throughout the struggle between the sections over that institution. In 1850, because of the great returns from slave labor in the production of cotton, slaves had been introduced into Mississippi in such numbers that they outnumbered the white population; and the people of the state had accepted the institution of slavery as the basis of their economic, political, and social order. Moreover, they saw no practicable method of ever removing the negroes from their midst and were convinced that the abolition of slavery without that precaution would result in a conflict between the two races, which would end in the extermination of one or the other and the desolation of the South. Consequently, all classes in Mississippi, deeply moved by the strength of the abolition sentiment manifested in the North, in this controversy, definitely assumed a position in defense of the institution of slavery.

Furthermore, this crisis revealed not only that the people of Mississippi were unanimous in support of slavery, but also that they had ceased to regard it as an evil. For the public men, the press, and the people in public meetings and conventions, almost without exception, praised the institution as conducive to the welfare of both races and defended it as founded on the laws of nature and sanctioned by the Bible.

But, notwithstanding the unanimity of determination to defend the institution of slavery manifested by the people of Mississippi in this struggle, a cleavage, which was to continue throughout the controversy between the sections over slavery, was evident among them in regard to the policy to be pursued in the defense of that institution. The large slaveholders, because of their great property interests, took a position in opposition to the adoption of a policy in defense of slavery that might disturb the existing order; while the non-slaveholders, partly because they had less interests of property at stake, but more because their social position was not so far removed from that of the slaves as that of the great planters was, and because there existed between them and the negroes great mutual distrust and dislike, manifested a greater willingness to resort to extreme measures in defense of slavery then the large slaveholders.

In spite of this cleavage, in regard to the extent to which they were willing to go in defense of slavery, the people of Mississippi were thoroughly alarmed and aroused by the strength of the abolition sentiment manifested in the North and convinced that they could not with safety allow any further encroachments by the majority section upon the rights of the South. Therefore, they accepted the measures of the compromise as a final adjustment of the questions concerning slavery at issue between the sections and expressed the determination to resist any further infringement or disregard of their rights in respect to that institution.

In this controversy, the people of Mississippi found it necessary, as Calhoun and Quitman had foreseen in the days of nullification, to turn to the doctrine of state sovereignty to protect their interests bound up with slavery, from a majority hostile to that institution. In the struggle to prevent the passage of the Wilmot proviso, both the Whigs and the Democrats in Mississippi took the position that the states were sovereign and that the federal government was their agent and possessed only such powers as were granted to it by the constitution, with such limited powers as might be indispensably necessary as incident to the express grant.

But when a lack of unity developed in the state in regard to the measures of the compromise, a corresponding divergence appeared with respect to questions of political theory. Those in favor of resisting the compromise turned to the withdrawal of the Southern

states from the Union as the only effective means of obtaining redress for the rights of the South injured or imperiled by that measure and security from further encroachments, and, consequently, asserted the right of a state to resort to secession from the Union as a final measure in defense of its rights from assumptions of power by the federal government not sanctioned by the constitution; while those who favored the acquiescence of the state in the compromise, in opposition to the measures of redress advocated by those in favor of resistance, denied the right of a state to secede from the Union. In order to influence the people of the state to adopt the policy it advocated, each side, of course, advanced arguments in support of its position concerning the right of secession, though the discussions show that the main interest, during this controversy, in the question of secession, was not in the right of a state to secede from the Union but in the expediency.

The arguments of the spokesmen of both parties were based, for the most part, on the compact theory of government and they quoted copiously from the writings of Jefferson, Madison, Spencer Roane, John Taylor, of Caroline, and other exponents of that school of political theory that characterized the members of the early state rights school of Virginia, whom they were so fond of quoting. Of the political philosophy of Calhoun, who so ably set forth the organic theory of government, which was later to serve as the basis for both the assertion and the denial of the constitutional right of a state to secede from the Union, and of the arguments that great political genius presented so convincingly, in the midst of this controversy, to establish the doctrine of state sovereignty and the consequent right of secession, the leaders of Mississippi showed, in the crisis, little knowledge or understanding.

That the people of Mississippi were not so keenly interested in the constitutionality of the right of a state to secede from the Union as they were to become later and that the leaders of the state did not feel, with Calhoun, the necessity of establishing that measure as a constitutional right is shown by the willingness manifested by many of those who supported secession as a final resort in resistance to the compromise to waive the question of its constitutionality and to assert it as a revolutionary right. No less a person than Jefferson Davis, in fact, advocated it as a revolutionary right. He said, if

he were asked what right states had to go out of the Union, his reply would be reserved rights not found in the constitution because they were above the constitution. It was truly said, he added, that secession was the right of revolution and if the colonies had a right to secede from the British rule, although that secession was opposed, by the same reason a state had a right to secede from the federal government.[1]

Although those in Mississippi who were in favor of secession as a final resort for the protection of the rights of the people of the state did not, in this struggle, insist upon the constitutionality of that measure as they did later, and had not come to understand and accept the political theories of Calhoun, upon which they were finally to base the right of their state to secede from the Union, yet this struggle was of great importance in the development of the secession movement in Mississippi. For, during its course, the political leaders whom the people of the state were accustomed to follow accepted the right of a state to secede from the Union; and, under their influence, the dominant political party in the state asserted that no right could be more clear or more essential to the protection of the minority than the right of a state peaceably to withdraw from the Union, without denial or obstruction from any quarter whatever. Furthermore, although the convention of the people of the state, in November, 1851, declared that the asserted right of secession from the Union on the part of a state or states was unsanctioned by the federal constitution and that no secession could, in fact, take place without a subversion of the Union, which would virtually amount in its effects and consequences to a civil revolution, later events proved that the position of the Democratic State Rights party on that question rather than that of the Union party, which dominated the state convention, represented the sentiment of the majority of the people of Mississippi.

For the former party, without renouncing its views on secession, was, within the next two years, returned to power by the people of Mississippi and its leaders, who had been rejected in the elections of 1851 were restored to positions of honor and influence. In 1853, John J. McRae was elected governor, a Democratic majority was returned

[1] Speech of Jefferson Davis at Fayette, *Mississippi Free Trader*, July 23, 1851.

to both houses of the legislature, and a solid Democratic delegation elected to the lower house of Congress. Jefferson Davis entered the cabinet of Pierce and, at the end of his administration, was returned to a seat in the United States Senate. In January, 1854, A. G. Brown was elevated to the upper house of Congress and, finally, in 1855, John A. Quitman was elected to the lower house of that body from the fifth congressional district of Mississippi. Of the leaders of the Union party who had been so triumphantly elected to office in 1851, Foote resigned as governor before his term expired and emigrated to California, and the others, as soon as their terms of office were over, retired to private life and were never again honored with positions of leadership in the state.

In this crisis, the practicability of the protection of the rights of the South through the coöperative action of the slaveholding states was thoroughly tested. For the leading men in Mississippi and the other Southern states believed that, if the South presented to the country its demands with a united voice, it would obtain all that it had a right, under the constitution, to ask; and consequently they based the measures that they advocated, in this struggle, for the protection of the rights of their section, upon the policy of the coöperative action of the Southern states. They were successful in uniting the South in the demands that neither the Wilmot proviso nor a bill prohibiting the slave trade between the states or abolishing slavery in the District of Columbia should be passed by Congress, and prevented the passage of those measures. But they were not able to effect a union of the South in opposition to the admission of California under her constitution excluding slavery and with her extended boundaries. For the Whigs, partly because of reasons of party and partly because of the fact that as a property holding and conservative group they became alarmed over the possibility of a disruption of the Union so freely discussed by the representatives of both the North and the South, refused to support the extreme demands of their section and, at length, accepted the compromise as the best policy, under the circumstances, for the security of the interests of property in slaves.

The opponents of the compromise, however, convinced that the destruction of the balance of power between the two sections of the Union by the admission of California would lead eventually either

to the overthrow of slavery or the dissolution of the Union, were unwilling to acquiesce in that measure; and, not discouraged by the failure of their efforts to prevent the passage of the bills of the compromise through Congress by the coöperative action of the Southern States, again had recourse to the same policy to obtain redress for the injuries inflicted on their section by the compromise and security for their interests in the future.

Jefferson Davis, A. G. Brown, Jacob Thompson, and other Mississippi leaders who advocated the adoption of a policy of resistance to the compromise were firmly persuaded that, if the South united in presenting to the country the alternative of granting its demands or seeing the Southern states withdraw from the Union, the North would give way and grant all the South desired; therefore, they were, without doubt, sincere in denying that they were seeking to promote a dissolution of the Union in agitating the presentation of this alternative. Moreover, though the leaders of the movement in Mississippi in favor of resisting the compromise may have preferred the secession of the Southern states and the formation of a Southern confederacy to submission to that measure, yet, with the exception of Quitman and perhaps a few others of less importance, they were opposed to separate secession on the part of Mississippi in resistance to the compromise and were convinced that, if all the Southern states, or a group of them even, were ready to secede, secession on their part would be unnecessary.

However, in the contest in Mississippi over the course the state should pursue towards the compromise, the policy of coöperative action on the part of the Southern states in opposition to it, advocated by the leaders of the party of resistance, very early became impracticable because of the failure of the movements in favor of resisting the compromise in all the other Southern states except South Carolina; and those in favor of submission to the compromise succeeded in fixing on their opponents the charge of seeking to promote a dissolution of the Union in opposition to that measure and favoring separate state secession. Accordingly, the elections of 1851 turned upon the question of submission to the compromise or the adoption by the state of a policy of resistance to it in conjunction with South Carolina, which might lead to the secession of Mississippi with

South Carolina alone; and the people of Mississippi pronounced in favor of the former policy.

To recapitulate, in this struggle over the extension of slavery into the territories acquired from Mexico and the compromise of 1850, the people of Mississippi were thoroughly alarmed by the strength of the hostility to slavery manifested in the North and convinced that their political, economic, and social interests were seriously imperiled by the abolition sentiment in the majority section; and united in the determination to allow no further encroachments on the rights of the South connected with slavery. Moreover, the right of a state to secede from the Union as a final measure in defense of its rights against the assumption of power by the federal government not sanctioned by the constitution, was accepted by the political leaders whom the people were accustomed to follow, proclaimed by the dominant party in the state, and made familiar to all; and, finally, the policy of uniting the slaveholding states to secure the protection of the rights of the South within the Union or to secede and form a separate confederacy for that purpose was tested and found to be impracticable.

Therefore, in the controversy over the extension of slavery in the territory acquired from Mexico and the compromise of 1850, the people of Mississippi were prepared to defend their interests bound up with slavery, in the next great crisis between the sections over that institution, by the policy of separate state secession.

BIBLIOGRAPHY

DOCUMENTARY:

Speeches, Messages, and Other Writings of the Hon. Albert G. Brown, a Senator from the State of Mississippi, edited by M. W. Cluskey. New York, 1859.

The Correspondence of John C. Calhoun, edited by J. F. Jameson, *Annual Report of the Americal Historical Association*, 1899, Vol. II.

The Works of John C. Calhoun, edited by Richard K. Crallé, 6 Vols. New York, 1854–1861.

Census Reports of the United States.

The Claiborne Papers, State Archives, Jackson, Mississippi.

The Private Correspondence of Henry Clay, edited by Calvin Colton, LL.D. Cincinnati, 1856.

The Political Text-Book or Encyclopedia, edited by M. W. Cluskey. Washington, 1857.

Congressional Globe and *Appendix.*

Journal of the Convention of the State of Mississippi, 1832. Jackson, 1832.

Journal of the Convention of the State of Mississippi and the Act Calling the Same, 1851. Jackson, 1851.

Journal of the Senate of the State of Mississippi, at a regular biennial session thereof, convened January 7, 1850. Jackson, 1850.

Journal of the House of the State of Mississippi, as a regular biennial session thereof, convened January 7, 1850. Jackson, 1850.

Journals of the Conventions of the People of South Carolina, held in 1832, 1833, and 1852. Columbia, 1860.

Laws of the State of Mississippi Passed at a Regular Session of the Mississippi Legislature held in the city of Jackson, January, February, and March, 1850. Jackson, 1850.

Laws of the State of Mississippi passed at a called Session of the Mississippi Legislature held in the city of Jackson, November, 1850. Jackson, 1850.

Mississippi Territorial Archives, 1798–1817, compiled and edited by Dunbar Rowland, Vol. I, Nashville, 1905.

The Diary of James K. Polk during His Presidency, 1845–1849, edited by Milo Milton Quaife. Chicago, 1910.

The Tribune Almanac for the Years 1838 to 1868. New York, 1868.

NEWSPAPERS:

National Era, 1847–1852.

National Intelligencer, 1847–1852.

New York Tribune, 1847–1852.

Niles' National Register, September 5, 1846—June 27, 1849.

Columbus Democrat, September 9, 1848—Feburary 5, 1853. (Union Democratic.)

The Constitution (Oxford), March 22, 1851—September 27, 1851. (Democratic.)

Mississippi Free Trader (Natchez), November 30, 1848—January, 1852. (Democratic.)

Natchez Weekly Courier, October 4, 1848—May 1, 1850. (Whig.)

Natchez Semi-weekly Courier, May 3, 1850—December 30, 1851. (Whig.)

The Organizer (Oxford), March 31, 1849—December 4, 1850. (Democratic.)

Hinds County Gazette (Raymond), July 6, 1849—December 30, 1852. (Whig.)
Primitive Republican (Columbus), January 9, 1851—November 25, 1852. (Union Democratic.)
Weekly and Triweekly Sentinel (Vicksburg), October 3, 1848—June 4, 1850. (Democratic.)
Southern Standard (Columbus), February 1, 1851—February 31, 1853. (Democratic.)
Vicksburg Whig, 1848–1852. (Whig).
Weekly Independent (Aberdeen), December 21, 1850—January 28, 1858. (Whig.)
Yazoo Democrat, August 7, 1850—October 11, 1854. (Democratic.)

BIOGRAPHY:

W. E. Dodd, *Jefferson Davis.* (American Crisis Biographies) Philadelphia, 1907.
J. W. Du Bose, *Life and Times of William Lowndes Yancey.* Birmingham, 1892.
J. F. H. Claiborne, *Life and Correspondence of John A. Quitman*, 2 vols. New York, 1860.
Thomas Hart Clay, *Henry Clay.* Philadelphia, 1910.
Mrs. Chapman Coleman, *The Life of John J. Crittenden with Selections from His Correspondence and Speeches*, 2 vols. Philadelphia, 1871.
Varina Howell Davis, *Jefferson Davis, Ex-President of the Confederate States of America; a Memoir by His Wife*, 2 vols. New York, 1890.
Gaillard Hunt, *John C. Calhoun.* (American Crisis Biographies) Philadelphia, 1908.
Johnston and Browne, *Life of Alexander H. Stephens.* Philadelphia, 1878.
James D. Lynch, *The Bench and Bar of Mississippi.* New York, 1881.
B. F. Perry, *Biographical Sketches of Eminent American Statesmen with Speeches, Addresses, and Letters.* Philadelphia, 1887.

GENERAL:

J. F. H. Claiborne, *Mississippi as a Province, Territory and State, with Biographical Notices of Eminent Citizens.* Vol. I., Jackson, 1880.
Jefferson Davis, *The Rise and Fall of the Confederate Government*, 2 vols. New York, 1881.
Reuben Davis, *Recollections of Mississippi and Mississippians.* Boston and New York, 1891.
Henry S. Foote, *Casket of Reminiscences.* Washington, 1874.
George Pierce Garrison *Westward Extension* (American Nation Series). New York, 1906.
Joseph Hodgson, *The Cradle of the Confederacy; or the Times of Troup, Quitman and Yancey.* Mobile, 1876.
Herman E. von Holst. *The Constitutional and Political History of the United States.* Vol. III. Chicago, 1881.
J. F. Rhodes, *History of the United States, 1850-1877.* Vol. I. New York, 1902.
Franklin L. Riley, editor, *Publications of the Mississippi Historical Society*, 12 vols. University, Mississippi, 1899-1912.
Franklin L. Riley, *A School History of Mississippi.* Richmond, 1900.
Dunbar Rowland, *Encyclopedia of Mississippi History Comprising Sketches of Counties, Towns, Events, Institutions, and Persons. Planned and Edited by Dunbar Rowland*, 2 vols. Madison, Wis., 1907.
B. L. C. Wailes, *Report on the Agriculture and Geology of Mississippi.* Jackson, 1854.
James L. Watkins, *King Cotton. A Historical and Statistical Review, 1790-1908.* New York, 1908.

LIBRARY OF CONGRESS
0 011 898 106 6